

## INITIAL STATEMENT OF REASONS

Policy changes are being made based on case consultations received from the California Department of Social Services (CDSS or Department) Adoption Offices, delegated adoption agencies, Adoption Service Providers and the public. These changes were shared with CDSS Adoption Offices and the three delegated county adoption agencies (Alameda, Los Angeles and San Diego Counties) that provided input.

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 35000(a)(5)

Specific Purpose:

This section is adopted to define the term "adoption facilitator."

Factual Basis:

This definition is necessary for clarity and consistency so manual users understand that an adoption facilitator acts as an intermediary between the parties to an adoption. The adoption facilitator solicits parties to an adoption by locating birth parents and prospective adoptive parents while acting as an intermediary between parties. This person or organization must meet the requirements under Family Code (FC) section 8632.5, and described further in these regulations, and must not be licensed as an adoption agency under FC section 8623.

Section 35000(a)(6)

Specific Purpose:

This section is adopted to define the term "Adoption Facilitator Registry." This registry is maintained and located in the CDSS website.

Factual Basis:

This definition is necessary for clarity and consistency so that the manual users understand that the Adoption Facilitator Registry lists all the adoption facilitators who are registered with CDSS, have met the requirements of FC section 8632.5 and described further in these regulations, and are authorized to conduct business as an adoption facilitator in California.

Section 35000(a)(7) (Renumbered from Section 35000(a)(5))

Specific Purpose:

This section is amended to clarify that a private adoption agency acting as an Adoption Service Provider (ASP) must be a licensed adoption agency. This section is also renumbered from Section 35000(a)(5) to Section 35000(a)(7) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry." Editorial changes are made for clarity and consistency.

Factual Basis:

This section is necessary for consistency with the definition of "Adoption Service Provider" in FC section 8502. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Adoption Service Provider" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(a)(8) (Renumbered from Section 35000(a)(6))

Specific Purpose:

This section is amended to clarify the statutory definition of "Adoptive Parent." Specifically, this section clarifies that a person who has obtained an order of adoption of a minor child is to be considered the adoptive parent. This section also clarifies that this definition is also for the purposes of these regulations. This section is also renumbered from Section 35000(a)(6) to Section 35000(a)(8) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry."

Factual Basis:

This section is necessary for consistency with the definition of "Adoptive Parent" in FC section 8503. Private adoption agencies, county adoption agencies, and the general public interested in independent and agency adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Adoptive Parent" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(a)(9) (Renumbered from Section 35000(a)(7))

Specific Purpose:

This section is amended to clarify the definition of "Agency" by deleting the term "public" and adding "county adoption agency." This section is also renumbered from Section 35000(a)(7) to Section 35000(a)(9) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry."

Factual Basis:

This section is necessary for clarity, consistency and ease of use. Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012), Section 4 (FC section 8513) was enacted to include the definition of "county adoption agency" as an adoption agency. This definition is necessary to ensure consistency and uniformity in the statewide administration of the adoption program.

Section 35000(a)(10) (Renumbered from Section 35000(a)(8))

Specific Purpose:

This section is amended to clarify the definition of "Agency Adoption." This section is also renumbered from Section 35000(a)(8) to Section 35000(a)(10) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry."

Factual Basis:

This section is necessary for consistency with the definition of "Agency Adoption" in FC section 8506. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Agency Adoption" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(a)(11) through 35000(a)(11)(C) (Renumbered from Section 35000(a)(9) et seq).

Specific Purpose:

This section is amended to clarify the definition of "Alleged Father." Specifically, this amendment clarifies that a man who has not otherwise established paternity is an alleged father in an adoption proceeding. Existing Sections 35000(a)(9) through (a)(9)(B) are renumbered to Sections 35000(a)(11) through (a)(11)(B) to

accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry."

Factual Basis:

This section is necessary for clarity, consistency and ease of use. Under the current definition of alleged father, fathers who have been recognized by the court as the father of the child, but who are not yet determined to be a presumed father, may be inappropriately considered an alleged father in the adoption proceeding. This amendment would ensure that any man who has otherwise established paternity would not be considered an alleged father. This definition will help ensure that the rights of all fathers are appropriately addressed in the adoption proceeding.

Section 35000(a)(12) (Renumbered from Section 35000(a)(10))

Specific Purpose:

This section is amended to clarify the definition of "Applicant." This section is also renumbered from Section 35000(a)(10) to Section 35000(a)(12) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry."

Factual Basis:

This section is necessary for consistency with the definition of "Applicant" in FC section 8509. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Applicant" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(a)(13) (Renumbered from Section 35000(a)(11))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(a)(11) to Section 35000(a)(13) to accommodate the addition of definitions of "Adoption Facilitator" and "Adoption Facilitator Registry." The purpose of this amendment is to renumber the regulation for clarity and consistency, but has no regulatory impact.

#### Section 35000(b)(2)

##### Specific Purpose:

This section is adopted to provide a definition of "Biological Father."

##### Factual Basis:

This section is necessary for consistency with the definition of "Biological Father" in Chapter 2 of Part 2 of Division 12 of the Family Code. There is often confusion regarding the rights of a biological father who has not taken additional steps to be named a presumed father by a court. As a result, the rights of biological fathers are not properly considered. This definition will help ensure that the rights of all fathers are appropriately addressed in the adoption proceeding.

#### Section 35000(b)(3) (Renumbered from Section 35000(b)(2))

##### Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(b)(2) to Section 35000(b)(3) to accommodate the addition of the preceding definition of "Biological Father." This amendment renumbers the regulation for clarity and consistency, but has no regulatory impact.

#### Section 35000(b)(4)

##### Specific Purpose:

This section is adopted to define the term "Business License" for the purpose of the adoption facilitator program. FC section 8632.5 requires an adoption facilitator to prove the possession of a valid business license, permitting the individual to conduct business within a geographical location.

##### Factual Basis:

This definition is necessary to clarify the documentation necessary to demonstrate that the adoption facilitator, or applicant to be an adoption facilitator, possess a valid business license. The business license is posted in the adoption facilitator's place of business and shows proof the facilitator can do business in a geographical location.

#### Section 35000(c)(1)

##### Specific Purpose:

This section is adopted to define the term "CACI." CACI is the term used to describe the California Child Abuse Central Index.

Factual Basis:

This section is necessary for consistency with the definition of "CACI" in Penal Code section 11170. A background check that includes a consideration of any child abuse history is required under provisions of state and federal law, including The Adam Walsh Child Protection & Safety Act of 2006, (PL 109-248). The "CACI" is the California-specific child abuse history which must be assessed during the course of the adoption.

Section 35000(c)(2) (Renumbered from Section 35000(c)(1))

Specific Purpose:

This section is amended to clarify the definition of "California Agency" by deleting the term "public" and adding the term "county adoption agency." Other nonsubstantive, editorial amendments are done to this section. This section is also renumbered from Section 35000(c)(1) to Section 35000(c)(2) to accommodate the addition of the preceding definition of "CACI."

Factual Basis:

The amendments to this section are necessary for clarity, consistency and ease of use of the definition of "California Agency." SB 1013 (Chapter 35, Statutes of 2012), Section 4 (FC section 8513) was enacted to include the term "county adoption agency" as an adoption agency. This definition is necessary to ensure consistency and uniformity in the statewide administration of the Interstate Compact on Placement of Children (ICPC) Program.

Section 35000(c)(3) (Renumbered from Section 35000(c)(2))

Specific Purpose:

This section is amended to clarify the definition of "California Children's Services." This section is renumbered from Section 35000(c)(2) to Section 35000(c)(3) to accommodate the addition of the definition of "CACI." Editorial changes are made for clarity and consistency.

Factual Basis:

The amendments to this section are necessary for consistency with the definition of "California Children's Services" in Health and Safety Code section 123800 et. seq. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "California Children's Services" in these

regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Sections 35000(c)(4) through (c)(8) (Renumbered from 35000(c)(3) through (c)(7))

Specific Purpose/Factual Basis:

These sections are renumbered from Section 35000(c)(3) through (c)(7) to Section 35000(c)(4) through (c)(8) to accommodate the addition of the definition of "CACI." These amendments renumber the regulations for clarity and consistency, but have no regulatory impact.

Section 35000(c)(9) (Renumbered from Section 35000(c)(8))

Specific Purpose:

This section is amended to make editorial changes to the definition of "Consent to Adoption." This section is also renumbered from Section 35000(c)(8) to Section 35000(c)(9) to accommodate the addition of the definition of "CACI."

Factual Basis:

These section amendments, including the renumbering, are necessary for clarity and consistency, but have no regulatory impact.

Section 35000(c)(10) (Renumbered from Section 35000(c)(9))

Specific Purpose/ Factual Basis:

This section is renumbered from Section 35000(c)(9) to Section 35000(c)(10) to accommodate the addition of the definition of "CACI." This amendment renumbers the regulation for clarity and consistency, but has no regulatory impact.

Section 35000(c)(11)

Specific Purpose:

This section is adopted to define the term "county adoption agency."

Factual Basis:

This section is necessary for consistency with the definition of "county adoption agency." SB 1013 (Chapter 35, Statutes of 2012) Section 4, was enacted to add FC section 8513 to include the definition of "county adoption agency." Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption

and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "county adoption agency" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

#### Section 35000(d)(1)

##### Specific Purpose:

This section is amended to provide a statutory reference to the definition of "Days."

##### Factual Basis:

The amendments to this section are necessary for clarity and consistency with the definition of "Days" in FC section 8514. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Days" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

#### Section 35000(f)(2)

##### Specific Purpose:

This section is amended to correct and clarify the definition of "Filing an Adoption Request." The term "petition" was replaced with the words "adoption request" and it was clarified to direct requests to be submitted to the Superior Court of a California county.

##### Factual Basis:

The amendments to this section are necessary for clarity and consistency. The term "petition" was replaced with the term "adoption request" in reference to filing a petition to adopt by Assembly Bill (AB) 1757 (Chapter 638, Statutes of 2012). This clarification describes the necessity of filing an adoption request as determined by FC sections 8609.5 and 8714(a). Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Filing an



Adoption Request" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(f)(2)(A)

Specific Purpose:

This section is adopted to specify that a nondependent minor adoption request is to be filed pursuant to FC section 8609.5.

Factual Basis:

This section is necessary for clarity and consistency with FC section 8609.5 (added by AB 1757 [Chapter 638, Statutes of 2012]) which describes where the adoption request of a nondependent minor may be filed.

Section 35000(f)(2)(B) (Renumbered from 35000(f)(2)(A))

Specific Purpose:

This section is renumbered from 35000(f)(2)(A) to 35000(f)(2)(B) to accommodate the adoption of new Section 35000(f)(2)(A) and also amended to clarify the statutory requirement of the adoption of a dependent of the juvenile court. The term "petition" is changed to "adoption request" for consistency with statute language.

Factual Basis:

This section is necessary for clarity and consistency with FC section 8714(a) which describes where the adoption request of a child dependent of the juvenile court may be filed.

Section 35000(f)(2)(A)1. (Repeal)

Specific Purpose/Factual Basis:

This section is repealed because FC section 8714.7 was repealed by SB 182 (Chapter 251, Statutes 2003). As a result, kinship adoption agreements no longer exist and the information in this section is no longer appropriate.

Section 35000(f)(2)(C) (Renumbered from 35000(f)(2)(B))

Specific Purpose/Factual Basis:

This section is amended to renumber Section 35000(f)(2)(B) to 35000(f)(2)(C) to accommodate the adoption of Section 35000(f)(2)(A) and amended to clarify the statutory requirement of FC section 8802 regarding an independent adoption.

Section 35000(f)(8)

Specific Purpose:

This section is amended to clarify the definition of "Foster Family Agency."

Factual Basis:

The amendments to this section are necessary for clarity and consistency. Clarifying this definition makes it consistent with the definition of "Foster Family Agency" found in Foster Family Agencies Regulations, Title 22, Division 6, Chapter 8.8, Section 88001(f)(2).

Section 35000(f)(10)

Specific Purpose:

This section is amended for clarity and consistency with the terminology used in statute.

Factual Basis:

The amendments to this section are necessary for clarity and consistency. This regulation uses language similar to the language found in FC section 7660.5.

Section 35000(i)(12) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed. "INS" is an outdated acronym no longer used. The repeal of outdated references to the agencies or departments within the federal government is necessary for clarity and consistency.

Section 35000(i)(12) (Renumbered from Section 35000(i)(13))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(i)(13) to Section 35000(i)(12) as a result of the repeal of the definition of "INS" and has no regulatory impact.

Sections 35000(i)(12)(A) and (B) (Renumbered from Section 35000(i)(13)(B) and (C))

Specific Purpose/Factual Basis:

These sections are renumbered from Section 35000(i)(13)(B) and (C) to Section 35000(i)(12)(A) and (B) since current Section 35000(i)(13)(A) is repealed. The renumbering is done for clarity and consistency and has no regulatory impact.

Section 35000(k)(1) (Repeal)

Specific Purpose:

This section is repealed to delete the definition of "Kinship Adoption Agreement."

Factual Basis:

This repeal is necessary because SB 2157 (Chapter 930, Statutes of 2000) and AB 2921 (Chapter 910, Statutes of 2000) changed "Kinship Adoption Agreement" to "Postadoption Contact Agreements" (FC section 8714.7). As a result, kinship adoption agreements no longer exist and the definition is no longer appropriate.

Section 35000(l)(1)

Specific Purpose:

This section is adopted to definite the term "Legal Parent."

Factual Basis:

This definition is necessary for clarity and consistency. This definition will help ensure that the rights of all legal parents are appropriately addressed in the adoption proceeding.

Section 35000(l)(2) (Renumbered from Section 35000(l)(1))

Specific Purpose:

This section is amended to update the definition of "Licensed Adoption Agency." This section is also renumbered from Section 35000(l)(1) to Section 35000(l)(2) to accommodate the definition of "Legal Parent."

Factual Basis:

These amendments are necessary for consistency with the definition of "Licensed Adoption Agency" in FC section 8530. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Licensed Adoption Agency" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(l)(3)

Specific Purpose:

This section is adopted to define the term "Live Scan."

Factual Basis:

This definition is necessary for clarity and consistency. This definition is also consistent with the definition of "Live Scan" in Department of Justice regulations, Title 11, Division 1, Chapter 13.6, Section 994.2(b).

Section 35000(m)(1)

Specific Purpose/Factual Basis:

This section is amended to clarify the definition of "Medical or Mental Health Professional." This section is necessary to clarify that this profession must be licensed.

Section 35000(m)(2)

Specific Purpose/Factual Basis:

This section is amended to make minor editorial changes for clarity and consistency and have no regulatory impact.

Section 35000(n)(2)

Specific Purpose:

This section is amended to update the definition of "Noncustodial Adoption Agency."

Factual Basis:

The amendments to this section are necessary for consistency with the definition of "Noncustodial Adoption Agency" in FC section 8533.

Section 35000(p)(4)

Specific Purpose/Factual Basis:

This section is amended to clarify that a "territory" may also be a "Party State," as well as a member of the ICPC.

#### Section 35000(p)(6)

##### Specific Purpose:

This section is amended to update the definition of "Personal Knowledge."

##### Factual Basis:

The amendments to this section are necessary for consistency with the definition of "Personal Knowledge" in FC section 8801(b). For an independent adoption, the birth parent must have substantially correct information prior to placing his or her child for adoption with a prospective adoptive parent. The general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the requirement that personal knowledge includes substantially correct knowledge, increases clarity and understanding of the program for users of the adoptions regulations and the public.

#### Section 35000(p)(6)(A) (Renumbered from Section 35000(p)(6)1).

##### Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(p)(6)1. to Section 35000(p)(6)(A) for consistency in the numbering sequence and has no regulatory impact.

#### Section 35000(p)(7)

##### Specific Purpose:

This section is amended to include additional relevant statutory citations regarding a petitioner. Specifically, the definition includes the relevant statutory citations for the petition to adopt a child in the Intercountry Adoption Program. This section also clarifies the form used by Judicial Council in order to petition to adopt a minor child. Additionally, a minor editorial change is made for clarity and consistency.

##### Factual Basis:

The amendments to this section are necessary for clarity and consistency. A reference to FC sections 8911 and 8912 is necessary to ensure that individuals who have filed a petition to adopt a child in the Intercountry Adoption Program are appropriately included in adoption regulations. It is also necessary to clarify the form used by the courts to petition to adopt a minor child.

## Sections 35000(p)(8) and (9)

### Specific Purpose:

These sections are amended to combine the definition of "Place for Adoption," either for the purpose of an agency adoption, (8)(A), or for the purpose of an independent adoption, (8)(B), under one main number, (8) instead of two, (8) and (9). Further, the definition of "Place for Adoption," for the purpose of an independent adoption, is amended to follow the definition found in FC section 8539.

### Factual Basis:

These amendments are necessary for clarity and consistency. A reference to FC section 8539 is necessary because it defines "Place for Adoption" in the case of an independent adoption.

## Section 35000(p)(9) (Renumbered from Section 35000(p)(10))

### Specific Purpose:

This section is renumbered from Section 35000(p)(10) to 35000(p)(9) to accommodate the restructuring of Section 35000(p)(8) and (9). This section is also amended to differentiate, for the purpose of the ICPC, the definition of "Placement" in an agency adoption and in an independent adoption.

### Factual Basis:

The amendments to this section are necessary for clarity by stating that for the purpose of the ICPC, the definition of "placement" in an agency adoption is different from "placement" in an independent adoption. In an independent adoption, placement means that a licensed adoption agency has completed a valid preplacement interview.

## Section 35000(p)(11)

### Specific Purpose:

This section is adopted to provide a definition of "Preplacement Evaluation" which was added into law in 1996.

### Factual Basis:

This section is necessary for clarity and consistency to define the term "Preplacement Evaluation" in accordance with FC section 8811.5. FC section 8811.5 was added into law by AB 2165 (Chapter 510, Statutes of 1996). Additionally, private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties

without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Preplacement Evaluation" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(p)(12) (Renumbered from Section 35000(p)(11))

Specific Purpose:

This section is amended to replace the term "Presumed Father" with the term "Presumed Parent" to provide clarity and to be consistent with statutes. This section is also amended to include additional relevant statutory citations. This section is renumbered from Section 35000(p)(11) to Section 35000(p)(12) to accommodate the additions of the preceding definitions.

Factual Basis:

The amendments to this section are necessary for clarity and consistency. The term "Father" substituted by the term "Parent" in reference to the presumption of parentage by AB 1403 (Chapter 510, Statutes of 2013). The reference to three additional Family Code sections is necessary in order to reference the variety of laws under which a person may establish a parent-child relationship and subsequently become a presumed parent. FC section 7540 is necessary because it pertains to conclusive presumption of a parentage based on marriage. FC section 7571 and 7576 are necessary because they pertain to the signing of a voluntary declaration of paternity, which has the legal effect of making a man the presumed parent of a child.

Section 35000(p)(13) (Renumbered from Section 35000(p)(12))

Specific Purpose:

This section is amended to clarify the definition of "Prospective Adoptive Parent." This section is also renumbered from Section 35000(p)(12) to Section 35000(p)(13) to accommodate the additions of the preceding definitions.

Factual Basis:

The amendments to this section are necessary for consistency with the definition of "Prospective Adoptive Parent" in FC section 8542. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the

statutory definition of "Prospective Adoptive Parent" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

#### Section 35000(r)(3)

##### Specific Purpose:

This section is amended to clarify the definition of "Receiving Agency in the Agency Adoptions Program."

##### Factual Basis:

The amendments in this section are necessary to change the term "Relinquishment" with the term "Agency" in order to identify the proper term used in the Agency Adoptions Program. The inclusion of a county adoption agency as a receiving agency under this regulation is necessary for clarity and consistency. A "county adoption agency" as added in statute by SB 1013 (Chapter 35, Statutes of 2012) (FC section 8515), is an agency that may be a receiving agency for the purpose of the ICPC.

#### Section 35000(r)(4)

##### Specific Purpose:

This section is amended to conditionally expand the existing definition of "Relative" and ensure the same definition of relative applies throughout the adoption regulations. Further this section is amended to remove a reference to kinship agreement.

##### Factual Basis:

The amendments to this section are necessary for consistency and uniform definition of "Relative" throughout the adoption regulations. By removing the specific reference to independent adoption, this definition is consistent with FC sections 8714.5 and 8802. This section also removes the reference to kinship agreement as SB 2157 (Chapter 930, Statutes of 2000) and AB 2921 (Chapter 910, Statutes of 2000) repealed kinship agreements.

#### Section 35000(r)(5) (Repeal)

##### Specific Purpose/Factual Basis:

This section is repealed to have a uniform definition of "Relative" that applies to both the Agency and Independent Adoption Programs as proposed in Section 35000(r)(4).



Section 35000(r)(5) (Renumbered from Section 35000(r)(6))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(r)(6) to Section 35000(r)(5) as a result of the repeal of current Section 35000(r)(5).

Section 35000(r)(6) (Renumbered from Section 35000(r)(7))

Specific Purpose:

This section is amended to clarify the definition of "Relinquishment of a Child" by adding "county adoption agency" as an appropriate agency that may accept the relinquishment of a child. This section is also renumbered from Section 35000(r)(7) to Section 35000(r)(6) as a result of the repeal of current Section 35000(r)(5). Minor editorial changes are also made.

Factual Basis:

The amendments to this section are necessary for clarity and consistency. "County adoption agency" is also an agency where a parent can relinquish a child. The term "county adoption agency" was added in statute by SB 1013, Chapter 35, Statutes of 2012 (FC section 8515).

Sections 35000(r)(7) through (9) (Renumbered from Section 35000(r)(8) through (10))

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35000(r)(8) through (10) to Section 35000(r)(7) through (9) to accommodate the repeal of current Section 35000(r)(5).

Section 35000(r)(10) (Renumbered from Section 35000(r)(11))

Specific Purpose/Factual Basis:

This section is amended to restructure the definition of "Revocation." Its meaning in an agency adoption (Section 35000(r)(10)(A)) and its meaning in an independent adoption (Section 35000(r)(10)(B)). This section is also renumbered from 35000(r)(11) to accommodate the repeal of current Section 35000(r)(5).

Section 35000(r)(10)(A)

Specific Purpose:

This section is amended to restructure the current definition of "Revocation" in Section 35000(r)(11) as it applies to the Agency Adoption Program and separate it

from its definition for the Independent Adoption Program. This section also clarifies that the relinquishment is filed with CDSS.

Factual Basis:

This section is necessary to ensure the correct definition of "Revocation" is followed in the Agency Adoption Program because there is a different definition for the Independent Adoption Program.

Section 35000(r)(10)(B)

This section is adopted to define "Revocation" as it applies to the Independent Adoption Program.

Factual Basis:

This section is necessary to ensure the correct definition of "Revocation" is followed in the Independent Adoption Program because there is a different definition for the Agency Adoption Program.

Sections 35000(s)(2) through (3)

Specific Purpose:

The purpose of these amendments is to combine the definition of "Sending Agency" in both, the Agency Adoption Program, (2)(A), and the Independent Adoption Program, (2)(B), for the purpose and consistency with ICPC regulations.

Current Section 35000(s)(3) is moved to new Section 35000(s)(2)(A) and amended to change the term "Relinquishment" with the term "Agency" in order to identify the proper term used in the Agency Adoption Program. "County adoption agency" is included in this definition because it is also an entity that could be a "sending agency" in an agency adoption.

New Section 35000(s)(2)(B) is partly moved from current Section 35000(s)(2) and amended to include as a "sending agency" in an independent adoption, "an individual or other entity authorized by the laws of the sending state."

Factual Basis:

The amendments to these sections are necessary to provide clarity and consistency by differentiating the meaning of "Sending Agency" in an agency adoption and in an independent adoption. "County adoption agency," which was added in statute by SB 1013, Chapter 35, Statutes of 2012 (FC section 8515), is also added to the definition of "Sending Agency" in an agency adoption to clarify that a county adoption agency may be a sending agency.

Section 35000(s)(3) (Renumbered from Section 35000(s)(4))

Specific Purpose:

This section is amended to clarify the definition of "Sending State in the Independent Adoptions Program," for the purpose of the ICPC. This section is renumbered from Section 35000(s)(4) to Section 35000(s)(3) as a result of the repeal of Section 35000(s)(3).

Factual Basis:

The amendments to this section are necessary for clarity and consistency by specifying that a sending state in the independent adoption program and for the purpose of ICPC, is the state of residence of the sending agency placing the child for adoption. This definition is also consistent with the regulations adopted by the Association of the Administrations of the ICPC.

Section 35000(s)(4) (Renumbered from Section 35000(s)(5))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(s)(5) to Section 35000(s)(4) as a result of the repeal of Section 35000(s)(3). This renumbering has no regulatory impact.

Section 35000(s)(6) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed because the definition of sibling has a different meaning depending on the program. Therefore, the definition will be defined in the regulations within each of the program sections.

Section 35000(s)(5) (Renumbered from Section 35000(s)(7))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(s)(7) to Section 35000(s)(5) as a result of the repeal of Sections 35000(s)(3) and (6). This renumbering is done for clarity and consistency and has no regulatory impact.

Section 35000(s)(6) (Renumbered from Section 35000(s)(8))

Specific Purpose:

This section is amended to clarify the definition of "Statewide Lower Income." This section is also renumbered from Section 35000(s)(8) to Section 35000(s)(6) as a result of the repeal of Sections 35000(s)(3) and (6).

Factual Basis:

The amendments to this section are necessary for consistency with FC section 8810(c) which addresses lower income instead of median income. The income level was changed from the "Median" to the "Lower" by AB 1279 (Chapter 759, Statutes of 2008). Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Statewide Lower Income" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(s)(7)

Specific Purpose:

This section is adopted to provide a definition of "Subsequent Arrest Notifications."

Factual Basis:

This section is necessary for consistency with the meaning of "Subsequent Arrest Notifications" in Penal Code section 11105.2. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Subsequent Arrest Notifications" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(t)(1)

Specific Purpose:

This section is adopted to provide a definition for "Tribal Customary Adoption" and to provide consistency and understanding throughout the regulations. This definition is also consistent with the definition in CDSS MPP Division 31 regulations, Section 31-002(t)(9).

Factual Basis:

Tribal Customary Adoption is a permanency alternative for dependent Indian children authorized by AB 1325 (Chapter 287, Statutes of 2009) and Welfare and Institutions Code (W&IC) section 366.24. The inclusion of this definition is necessary to ensure that the user of these regulations understands that a tribal customary adoption is different than other types of adoptions.

Section 35000(u)(1)

Specific Purpose:

This section is adopted to provide a definition of the "United States Citizenship and Immigration Services" (USCIS). This agency used to be known as the Immigration and Naturalization Service (INS).

Factual Basis:

This amendment is necessary to identify the new agency that replaced the INS.

Section 35000(v)(1)

Specific Purpose:

This section is adopted to provide a definition of "Valid Preplacement Evaluation."

Factual Basis:

This section is necessary to comply with FC section 8811.5, which describes the requirements for a Preplacement Evaluation. In order to receive a reduced investigation fee, the Preplacement Evaluation must be valid, as described in FC section 8810(a)(2). This definition clarifies the requirements for a valid Preplacement Evaluation in order to ensure statewide consistency. Preplacement Evaluation was added in statute by AB 2165 (Chapter 510, Statutes of 1996). The inclusion of the statutory definition of "Valid Preplacement Evaluation" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(v)(2)

Specific Purpose:

This section is adopted to provide a definition of "Valid Private Agency Adoption Home Study."

Factual Basis:

This section is necessary to comply with FC section 8810(a)(2), which describes a valid Private Agency Adoption Home Study as an evaluation less than two years old at the time of filing a petition. A Valid Private Agency Adoption Home Study was added in statute by AB 848 (Chapter 743, Statutes of 2013) (FC section 8730). The inclusion of the statutory definition of "Valid Private Agency Adoption Home Study" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(v)(3)

Specific Purpose:

This section is adopted to provide a definition of "Voluntary Declaration of Paternity."

Factual Basis:

This amendment is necessary for consistency with the meaning of "Voluntary Declaration of Paternity" in FC section 7571. Private adoption agencies, county adoption agencies, and the general public interested in independent adoptions, using CDSS regulations, which currently has a cross-reference to the Family Code, leaves interested parties without the information they seek. Many birth parents seeking to place children for adoption and prospective adoptive parents are unable to locate the relevant statutory authorities without the assistance of another agency representative or an attorney. The inclusion of the statutory definition of "Voluntary Declaration of Paternity" in these regulations will increase clarity and understanding of the program for users of the adoptions regulations and the public.

Section 35000(w)(1) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed. This definition of "Waiver" is no longer valid. This section is reserved for future definitions.

Section 35001(a)(7)

Specific Purpose:

Form AD 1A "Parental Consent to Adoption (In or Out-of-California)" was amended for several reasons. The form was renamed to provide more clarity in the use of the form. The form was incorporated with form AD 1C allowing the form to be signed out-of-state and witnessed by a notary. Check boxes for "Birth Mother, Presumed Father, Biological Father, and Other Legal Parent" were added to easily verify the parent's legal authority for signing the form. The 90-day revocation period was changed to 30 days, making it consistent with current law. The

requirement for signing the form out of the country was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 1A "Parental Consent to Adoption (In or Out-of-California)" is required when the parent consenting to adoption is in or outside of California, but is not in the Armed Forces. No substitutes are permitted.

#### Factual Basis:

The form was combined with form AD 1C to minimize the number of forms used in the Independent Adoption Program as most of the information on these forms was duplicative. Adding check boxes to indicate which legal parent was signing the form was necessary to verify the parent's legal authority to consenting to the adoption. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the form out of the country is necessary to be consistent with Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(8) (Repeal)

#### Specific Purpose/Factual Basis:

Form AD 1C "Consent to Adoption by Parent(s)" is repealed. Due to duplicative information Form AD 1C was combined with Form AD 1A to minimize the number of forms used in the Independent Adoption Program.

#### Section 35001(a)(8) (Renumbered from Section 35001(a)(9))

#### Specific Purpose:

Form AD 1F "Parental Consent to Adoption (Outside California in the Armed Forces)" was renamed to provide clarity to the user of the form. Check boxes for "Birth Mother, Presumed Father, Biological Father, and Other Legal Parent" were added to easily verify the parent's legal authority for signing the form. The 90-day revocation period was changed to 30 days, making it consistent with current law. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(9) to Section 35001(a)(8) to accommodate the deletion of Form AD 1C. Form AD 1F "Parental Consent to Adoption (Outside California in the Armed Forces)" is required when a parent is consenting to the adoption of his or her child and is outside of California in the Armed Forces. No substitutes are permitted.

Factual Basis:

Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with FC section 8814.5, as amended by SB 104 (Chapter 688, Statutes of 2001). Adding check boxes to indicate which legal parent was signing the form was necessary to verify the parent's legal authority to consenting to the adoption and amending the witness section box was necessary to comply with Civil Code section 1183.5. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(9)

Specific Purpose:

This section is adopted to incorporate by reference form AD 8 "Marriage/Divorce Verification." This form is used to gather facts from an agency official to determine if a birth parent/prospective parent is married or divorced. The information on the form is required and substitutes of the form are permitted.

Factual Basis:

The adoption of this form is necessary because the information gathered is necessary to assist agency workers in verifying the marriage or divorce of prospective adoptive parents and/or birth parents. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(10)

Specific Purpose:

This section is adopted to incorporate by reference form AD 9 "Independent Adoption Questionnaire." This form is used to gather facts from petitioner(s) that are used to assist CDSS or delegated county adoption agency in making a recommendation to the court regarding the suitability of the petitioner(s). The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

The adoption of form AD 9 form is necessary because CDSS, or the delegated county adoption agency, is required to investigate the proposed independent adoption and submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition (as specified in FC section 8807). This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.



### Section 35001(a)(11)

#### Specific Purpose:

This section is adopted to incorporate by reference form AD 10 "Request for Reference." This form is used to gather information from references about the petitioner(s) which information is then used to assist CDSS or the delegated county adoption agency, in making a recommendation to the court regarding the suitability of the petitioner(s). The information on the form is required and substitutes of the form are not permitted.

#### Factual Basis:

The adoption of form AD 10 is necessary because CDSS, or the delegated county adoption agency, is required to investigate the proposed independent adoption, and submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition (as specified in FC section 8807). This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(a)(12) (Renumbered from Section 35001(a)(10))

#### Specific Purpose:

Form AD 20 "Refusal to Give Parental Consent to Adoption (Birth Mother/Presumed/Biological Father/Legal Parent)" was renamed to provide clarity to the user of the form by adding "Parental." Check boxes for "Birth Mother, Presumed Father, Biological Father, and Other Legal Parent" were added to easily verify the parent's legal authority to signing the form. The requirement for signing the form out of the country was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from 35001(a)(10) to 35001(a)(12) to accommodate the addition of forms AD 8, AD 9, and AD 10. Form AD 20 "Refusal to Give Parental Consent to Adoption (Birth Mother/Presumed/Biological Father/Legal Parent)" is required when the parent is refusing to give consent to the adoption. No substitutes are permitted.

#### Factual Basis:

The renaming of the form is necessary because it allows the user to easily identify the type of form they are signing. The addition of check boxes to indicate which legal parent is signing the form was necessary to verify the parent's legal authority to consenting to the adoption. The statement regarding the requirements for signing the form out of the country is consistent with Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it

would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(13) (Renumbered from Section 35001(a)(11))

Specific Purpose:

Form AD 20B "Refusal to Give Parental Consent to Adoption – Alleged Father" was renamed by deleting the word "Natural" from the title of the form and throughout the form to be consistent with current law. The requirement for signing the form out of the country was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(11) to Section 35001(a)(13) to accommodate the addition of forms AD 8, AD 9, and AD 10. Form AD 20B "Refusal to Give Parental Consent to Adoption – Alleged Father" is required when the alleged father is refusing to give consent to the adoption. No substitutes are permitted.

Factual Basis:

The deletion of the term "Natural" is necessary to be consistent with FC sections 7662 and 7663. Adding a statement regarding the requirements for signing the form out of the country was necessary to be consistent with Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(14) (Renumbered from Section 35001(a)(12))

Specific Purpose/Factual Basis:

Form AD 42 I "Independent Adoption Program – Individual Case Report" was amended with minor changes for clarity and consistency. The 07/95 version of the form is no longer available to make detailed comparisons. This form is necessary to gather data regarding a finalized, dismissed or denied adoption. It is also necessary for oversight and state administration to aggregate information with regards to obtaining characteristic data on the birth parent(s), petitioner(s), adopted children and selected aspects of public adoption agency actions. This section was also renumbered from Section 35001(a)(12) to Section 35001(a)(14) to accommodate the addition of forms AD 8, AD 9, and AD 10. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(13) (Repeal)

##### Specific Purpose/Factual Basis:

Because the information gathered on form AD 42 ICA is no longer used, this form is now obsolete. As such, copies of this form have been destroyed and are unavailable.

#### Section 35001(a)(15) (Renumbered from Section 35001(a)(14))

##### Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(14) to Section 35001(a)(15) to accommodate the addition of forms AD 8, AD 9, and AD 10. This amendment has no regulatory impact.

#### Section 35001(a)(16)

##### Specific Purpose:

This section is adopted to incorporate by reference form AD 65, "Parent's Authorization for Medical and Surgical Care." This form is used by the birth parents to authorize the petitioner(s) to sign any consent for medical care before the finalization of the adoption.

##### Factual Basis:

The adoption of form AD 65 is necessary in giving petitioner(s) medical care authorization of the prospective adoptive child that is in their care until the adoption is granted by the court. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(17) (Renumbered from Section 35001(a)(15))

##### Specific Purpose:

Form AD 67 "Information about the Birth Mother," was amended to change the instructions section of the form to add statements in regard to confidentiality for clarification and consistency. In Section C, an additional question was added to assist the agency in determining any possible presumed fathers. In Section F, changes were made to assist the agency in determining if the child may be an Indian child and to add the new requirements under the Indian Child Welfare Act (ICWA). Changes in Section G were made to clarify medical terms and professions. Changes to Section H were made to comply with current law in regard to independent adoptions. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(15) to

Section 35001(a)(17) to accommodate the addition of form AD 65. Form AD 67 "Information about the Birth Mother," is required in adoption cases. No substitutes are permitted.

Factual Basis:

Changes in the instructions were necessary to clarify requirements under FC sections 8608, 8706 and 8817. Section C changes were necessary to assist agencies in determining presumed fathers in accordance with FC section 7611. Changes to Section F were necessary to require the completion of form ICWA-020 "Parental Notification of Indian Status" per the California Rules of Court, Rule 5.481(a)(2), which requires this form. Additional questions were added to meet ICWA noticing requirements of FC section 177. Changes to Section H were necessary to ensure the birth parent has "personal knowledge" of the adopting parents pursuant to FC section 8801. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(18) (Renumbered from Section 35001(a)(16))

Specific Purpose:

Form AD 67A "Information about the Birth Father" was amended to change the instructions section of the form to add statements in regard to confidentiality for clarification and consistency. In Section E changes were made to assist the agency in determining if the child may be an Indian child and to add the new requirements under ICWA. Changes in Section F were made to clarify medical terms and professions. In Section G, changes were made to clarify current law in regard to independent adoptions. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(16) to Section 35001(a)(18) to accommodate the addition of form AD 65. Form AD 67A "Information about the Birth Father" is required in adoption cases. No substitutes are permitted.

Factual Basis:

Changes to the instructions of the form were necessary to clarify statutory requirements per FC sections 8608, 8706, and 8817. Changes to Section E were made to require the completion of form ICWA-020 "Parental Notification of Indian Status" per the California Rules of Court, Rule 5.481(a)(2) which requires this form. Additional questions were added to meet ICWA noticing requirements of FC section 177. Changes to Section G were necessary to ensure the birth parent has "personal knowledge" of the adopting parents pursuant to FC section 8801. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(19)

##### Specific Purpose:

This section is adopted to incorporate by reference form AD 70 "Adoption Facilitator Registry Application." The purpose of this form is to determine a means to accept or deny persons seeking to register as an Adoption Facilitator as required by FC section 8632.5.

##### Factual Basis:

This section is necessary for prospective Adoption Facilitators to provide detailed background history, education and work experience prior to being accepted to facilitate adoptions in the State of California. This section is consistent with Section 35078(a). Moreover, this form is necessary for consistency and uniformity in the process of the Adoption Facilitator Program. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(20)

##### Specific Purpose:

This section is adopted to incorporate by reference, form AD 71 "Adoption Facilitator Registry – Trainee Application." The purpose of this form is to determine a means to accept or deny persons seeking to register as a trainee as required by FC section 8632.5.

##### Factual Basis:

This section is necessary for trainees to provide education and employment history prior to being registered as a Trainee in the State of California. This section is consistent with Section 35028(a). Moreover, this form is necessary for consistency and uniformity in the process of the Adoption Facilitator Program. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(21)

##### Specific Purpose:

This section is adopted to incorporate by reference form AD 72 "Adoption Facilitator Complaint." The purpose of this form is for persons seeking to file a complaint against an Adoption Facilitator.

Factual Basis:

This section is necessary for persons to file a detailed complaint against an Adoption Facilitator. This section is consistent with Section 35078(e). Moreover, this form is necessary for consistency and uniformity in the process of the Adoption Facilitator Program. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(22) (Renumbered from Section 35001(a)(17))

Specific Purpose:

The form AD 90 "Supporting Information for Issuance of California Department of Social Services Acknowledgement and Confirmation of Receipt of Child Freeing Documents" was renamed to provide clarity to the user of the form. Within the document, Part II, "Biological Father" section was added to distinguish between alleged and presumed fathers. Part IV was amended to replace reference to "Evidence Code section 621" to "FC section 7540." In the second box, Sections 7611 (a), (b), (c), and (e) were added. Two additional boxes were added to incorporate FC sections 7573, 7574 and 7576. Another box was added to indicate if the father is an alleged father. Part V, "Biological Father" section was added. The ICWA information was moved from Part VII to Part VI and replaced the AD 4311 form with ICWA-030 form. Sections VII, VIII, and IX were removed from the form. This section was also renumbered from Section 35001(a)(17) to Section 35001(a)(22) to accommodate the addition of forms AD 70, AD 71, and AD 72. This form is required, and no substitutes are permitted.

Factual Basis:

The title of the form was amended to clarify that form AD 90 pertains to both relinquishment and court-ordered termination of parental rights. "Biological Father" is a category of father added throughout the form. FC sections 7573, 7574 and 7576 were added due to the voluntary declaration of paternity form which became effective January 1, 1997. Parts VI, VIII and IX were removed, as the information was deemed not necessary for the issuance of the confirmation/acknowledgement. These changes to the form are necessary to ensure that the most complete information is submitted to the Department in order for the Department ultimately acknowledge and confirm the child has been freed for adoption. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(23) (Renumbered from Section 35001(a)(18))

Specific Purpose:

Form AD 100 "Authorization for Use and/or Disclosure of Information Independent Adoption Program" was renamed to add clarity to the use of the form that is now being used solely for the Independent Adoption Program. The changes to the form were necessary in order to comply with the privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA). The form lists all the restrictions, duration and rights of the authorization. A line for the consenting parent(s)/legal guardian name was added as a means to clarify who is filling out the form. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(18) to Section 35001(a)(23) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 100 "Authorization for Use and/or Disclosure of Information Independent Adoption Program" is required when a parent is authorizing the use and/or disclosure of information. No substitutes are permitted.

Factual Basis:

The title of the form was amended to clarify the use of the form and to indicate that the form is used in the Independent Adoption Program. The addition of the restrictions, duration and rights are necessary to comply with the federal and state requirements of HIPAA. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(24) (Renumbered from Section 35001(a)(19))

Specific Purpose:

Form AD 165 "Presumed Father's Consent to Adoption When Denying He is the Biological Father (In or Out-of-California)" was renamed to easily identify the use of the form. The form was incorporated with form AD 166 allowing the form to be signed out of California. The 90-day revocation period was changed to 30 days to make it consistent with current law. The term "natural" was changed to "biological" to identify the proper category of the type of father signing the consent. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(19) to Section 35001(a)(24) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 165 "Presumed Father's Consent to Adoption When Denying He is the Biological Father (In or Out-of-California)" is required when the parent consenting is denying he is the biological father. No substitutes are permitted.

Factual Basis:

The change in the revocation days was necessary to be consistent with FC section 8814.5. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement in FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). The form was combined with form AD 1C to minimize the number of forms used in the Independent Adoption Program as most of the information on these forms was duplicative. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(20) (Repeal)

Specific Purpose:

Form AD 166 "Consent to Adoption by Father (Outside of California)" is no longer used because it has been incorporated into form AD 165.

Factual Basis:

Repealing this form was necessary as the form became obsolete when combined with form AD 165 to minimize the number of forms used in the Independent Adoption Program.

Section 35001(a)(25) through (29) (Renumbered from Section 35001(a)(21) through (25))

Specific Purpose/Factual Basis:

These sections are renumbered from Section 35001(a)(21) through (25) to Section 35001(a)(25) through (29) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

Section 35001(a)(30) (Renumbered from Section 35001(a)(26))

Specific Purpose/Factual Basis:

Minor, nonsubstantive, clarifying changes were made to form AD 512 "Psychosocial and Medical History of Child," but have no regulatory impact. This section was also renumbered from Section 35001(a)(26) to Section 35001(a)(30) to accommodate the addition of forms AD 70, AD 71, and AD 72.



Section 35001(a)(31) through (35) (Renumbered from Section 35001(a)(27) through (31))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(27) through (31) to Section 35001(a)(31) through (35) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

Section 35001(a)(32) (Repeal)

Specific Purpose:

Form AD 585 "Relinquishment (Presumed Father Denies He is the Birth Father)" is now obsolete because it has been incorporated into form AD 583.

Factual Basis:

Repealing this form was necessary as the form became obsolete when combined with form AD 583 to minimize the number of forms used in the Agency Adoption Program.

Section 35001(a)(36) (Renumbered from Section 35001(a)(33))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(33) to Section 35001(a)(36) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

Section 35001(a)(37) (Renumbered from Section 35001(a)(34))

Specific Purpose:

Form AD 588 "Denial of Paternity by Alleged Father (In or Out-of-California)" was renamed to provide clarity to the user of the form. The word "natural" was deleted throughout the form to be consistent with current law. The requirement for signing the form out of the country was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(34) to Section 35001(a)(37) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 588 "Denial of Paternity by Alleged Father (In or Out-of-California)" is required when the alleged father is denying his paternity. No substitutes are permitted.

Factual Basis:

The deletion of the term "natural" is necessary to be consistent with FC sections 7662 and 7663. The statement regarding the requirements for signing the form out of country is necessary to be consistent with California Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(38) (Renumbered from Section 35001(a)(35))

Specific Purpose:

Form AD 590 "Waiver of Right to Further Notice of Adoption Planning (Alleged Father In or Out-of-California)" was renamed to provide clarity to the user of the form. The word "natural" was deleted throughout the form to be consistent with current law. The requirement for signing the form out of the county was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(35) to Section 35001(a)(38) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 590 "Waiver of Right to Further Notice of Adoption Planning (Alleged Father In or Out-of-California)" is required when the alleged father is waving his right to further adoption planning. No substitutes are permitted.

Factual Basis:

The deletion of the term "natural" is necessary to be consistent with FC sections 7662 and 7663. The statement regarding the requirements for signing the form out of country is necessary to be consistent with California Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Sections 35001(a)(39) and (40) (Renumbered from Sections 35001(a)(36) and (37))

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35001(a)(36) and (37) to Section 35001(a)(39) and (40) to accommodate the addition of forms AD 70, AD 71, and AD 72. The renumbering has no regulatory impact.

#### Section 35001(a)(41) (Renumbered from Section 35001(a)(38))

##### Specific Purpose:

Form AD 594 "Alleged Father's Consent to Adoption (In or Out-of-California)" was renamed to provide clarity to the user of the form. The word "natural" was deleted throughout the form to be consistent with current law. The 90-day revocation period was changed to 30 days making it consistent with current law. The requirement for signing the form out of the country was added. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(38) to Section 35001(a)(41) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 594 "Alleged Father's Consent to Adoption (In or Out-of-California)" is required when the alleged father consenting to the adoption is in or outside of California. No substitutes are permitted.

##### Factual Basis:

The deletion of the term "natural" is necessary to be consistent with FC section 7662 and 7663. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the form out of the country was necessary to be consistent with Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Sections 35001(a)(42) and (43) (Renumbered from Sections 35001(a)(39) and (40))

##### Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(39) and (40) to Section 35001(a)(42) and (43) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

#### Section 35001(a)(41) (Repeal)

##### Specific Purpose/Factual Basis:

Form AD 831 "Private Adoption Agency Cost Justification for Adoptive Placement" is repealed because it is obsolete. Copies of this form have been destroyed and are unavailable.

#### Section 35001(a)(44) (Renumbered from Section 35001(a)(42))

##### Specific Purpose:

Form AD 842 "Alleged Father's Consent to Adoption (Outside California in Armed Forces)" was renamed to better clarify the use of the form. The word "natural" was deleted throughout the form to be consistent with current law. The 90-day revocation period was changed to 30 days making it consistent with current law. The requirement for signing the form out of the country was added. The Armed Forces section was amended to be consistent with state statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(42) to Section 35001(a)(44 ) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 842 "Alleged Father's Consent to Adoption (Outside California in Armed Forces)" is required when the alleged father is consenting to the adoption of a child and is outside of California in the Armed Forces. No substitutes are permitted.

##### Factual Basis:

The deletion of the term "natural" is necessary to be consistent with FC section 7662 and 7663. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the form out of the country was necessary to be consistent with Civil Code section 1183. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(45) (Renumbered from Section 35001(a)(43))

##### Specific Purpose:

Form AD 859 "Parental Consent to Adoption of Indian Child (In or Out-of-California)" was renamed to provide clarity to the user of the form. A section was added for the child's tribe and membership number to easily identify any of the child's tribal affiliations. Information was added about a child who is, or may be, covered under ICWA. The certification of the court was amended to comply with state and federal statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(43) to Section 35001(a)(45) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 859 "Parental Consent to Adoption of Indian Child (In or Out-of-California)" is required when the parent of an Indian Child is consenting to the adoption is in or outside of California. No substitutes are permitted.

### Factual Basis:

The changes made to the form were necessary to comply with ICWA. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days have passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received, the parent must be informed of all their rights that would apply if the child falls, or does not fall, under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(a)(46) (Renumbered from Section 35001(a)(44))

#### Specific Purpose:

Form AD 860 "Presumed Father's Consent to Adoption of Indian Child (In or Out-of-California)" was renamed to provide more clarity to the user of the form. The form was amended to add a section for the child's tribe and membership number to easily identify any of the child's tribal affiliations. Information was added about a child who is or may be covered under ICWA. The certification of the court was amended to comply with state and federal statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(44) to Section 35001(a)(46) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 860 "Presumed Father's Consent to Adoption of Indian Child (In or Out-of-California)" is required when the presumed father of an Indian Child is consenting to adoption is in or outside of California. No substitutes are permitted.

### Factual Basis:

The changes made to the form were necessary to comply with ICWA. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days have passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received, the parent must be informed of all their rights that would apply if the child falls, or does not fall, under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(47) (Renumbered from Section 35001(a)(45))

##### Specific Purpose:

Form AD 861 "Alleged Father's Consent to Adoption of Indian Child (In or Out-of-California)" was renamed to provide clarity to the user of the form. The form was amended to add a section for the child's tribe and membership number to easily identify any of the child's tribal affiliations. Information was added about a child who is or may be covered under ICWA. The certification section was removed as alleged fathers do not have any rights under ICWA. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(45) to Section 35001(a)(47) to accommodate the addition of forms AD 70, AD 71, and AD 72. Form AD 861 "Alleged Father's Consent to Adoption of Indian Child (In or Out-of-California)" is required when the alleged father is consenting to the adoption of an Indian Child is in or outside of California. No substitutes are permitted.

##### Factual Basis:

The changes made to the form were necessary to comply with ICWA. It was necessary to delete the rights under ICWA as an alleged father does not have any right under ICWA. However, it was necessary to inform the alleged fathers that any other legal parent would have rights under ICWA if the child was confirmed to fall under ICWA. The certification section was deleted as only parents who have rights under ICWA need to sign in front of a judge. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Sections 35001(a)(48) through (50) (Renumbered from Sections 35001(a)(46) through (48))

##### Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35001(a)(46) through (48) to Section 35001(a)(48) through (50) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

#### Section 35001(a)(49) (Repeal)

##### Specific Purpose:

Form AD 865 "Relinquishment of Indian Child (Birthmother and/or Presumed Father) Out-of-County" is obsolete. It was incorporated with form AD 864.

Factual Basis:

It is necessary to repeal this form because it became obsolete when it was combined with form AD 864 to minimize the number of forms used in the Agency Adoption Program. Most of the information on these forms was duplicative.

Sections 35001(a)(51) through (53) (Renumbered from Sections 35001(a)(50) through (52))

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35001(a)(50) through (52) to Sections 35001(a)(51) through (53) to accommodate the addition of forms AD 70, AD 71, and AD 72. This amendment has no regulatory impact.

Section 35001(a)(53) (Repeal)

Specific Purpose:

Form AD 873 "Relinquishment of Indian Child (Presumed Father Denies He is Birth Father) Out-of-County" is obsolete. It was incorporated with form AD 873.

Factual Basis:

It is necessary to repeal this form because it became obsolete when it was combined with form AD 873 to minimize the number of forms used in the Agency Adoption Program. Most of the information on these forms was duplicative.

Section 35001(a)(54)

Specific Purpose:

Form AD 880 "Declaration of Mother" was revised to add an instructions section for clarity and consistency. Additional information about possible birth fathers was added making it easier for agency workers to determine any possible fathers. A statement indicating the AD 880 must be completed for each possible father was added for clarity and consistency. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 880 "Declaration of Mother" is required by all birth mothers consenting to the adoption of their child. No substitutes are permitted.

Factual Basis:

The amendments to the form are necessary to comply with FC section 7663 which requires inquiry to be made of the mother to determine any possible fathers. It was also necessary to clarify that the birth mother is required to complete this form for each possible father because this requirement was not being met. This form is incorporated by reference and is not printed in the regulations because it would be

cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(59)

##### Specific Purpose:

Form AD 887 "Statement of Understanding – Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Child to the Petitioner(s))" was renamed to provide clarity to the user of the form. The instructions section was amended for clarity and consistency. A statement was added requiring the form be used with one of the following forms: AD 1A, AD 1F, AD 165, or AD 4336 to better assist the user. Statements were revised for the signer to better understand their rights. The 90-day revocation period was changed to 30 days. The requirement for signing the form out of the country was added. A section was added allowing the form to be signed outside of California in the Armed Forces. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 887 "Statement of Understanding – Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Child to the Petitioner(s))" is required when the custodial parent is consenting to the adoption of their child. No substitutes are permitted.

##### Factual Basis:

The revisions made to this form are necessary to provide the user guidance with completing the form. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the form out of the country is consistent with Civil Code section 1183. Adding a section for the form to be witnessed out of California when the consenting parent is in the Armed Forces is consistent with Civil Code section 1183.5. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(60)

##### Specific Purpose:

Form AD 887A "Statement of Understanding – Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial Parent) of the Child to the Petitioner(s))" was revised by modifying the instructions on completing the form and providing clarification. A statement was added requiring the form be used with one of the following forms: AD 1A, AD 1F, AD 165, or AD 4336. Statements were revised for the signer to better understand their rights. The 90-day revocation period was changed to 30 days to make it consistent with current law. The



requirement for signing the form out of the country was added. A section was added allowing the form to be signed outside of California in the Armed Forces. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 887A "Statement of Understanding – Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial Parent) of the Child to the Petitioner(s))" is required when the non-custodial parent is consenting to the adoption of their child. No substitutes are permitted.

#### Factual Basis:

The revisions made to this form are necessary to provide the user guidance with completing the form since there are numerous consent forms in the adoption program. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the form out of the country is consistent with Civil Code section 1183. Adding a section for the form to be witnessed out of California when the consenting parent is in the Armed Forces is consistent with Civil Code section 1183.5. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(61)

#### Specific Purpose:

Form AD 887B "Statement of Understanding – Independent Adoptions Program (Alleged Father)" was revised by modifying the instructions section for clarity and consistency. A statement was added requiring the form be used with one of the following forms: AD 594 or AD 842. Statements were added giving the alleged father better clarification of his rights. The 90-day revocation period was changed to 30 days. The requirement for signing the form out of the country was added. A section was added allowing the form to be signed outside of California in the Armed Forces. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 887B "Statement of Understanding – Independent Adoptions Program (Alleged Father)" is required when the alleged father is consenting to the adoption of a child. No substitutes are permitted.

#### Factual Basis:

The revisions to this form are necessary to provide the user guidance with completing the form. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding a statement regarding the requirements for signing the

form out of the country is consistent with of Civil Code section 1183. Adding a section for the form to be witnessed out of California when the consenting parent is in the Armed Forces is consistent with of Civil Code section 1183.5. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(62)

##### Specific Purpose:

This section is adopted to incorporate by reference the Form AD 898 "Consent of CDSS or Delegated County Adoption Agency." This form is required when the CDSS or Delegated County Adoption Agency is required to give consent to an adoption because the birth parent is located outside of California or in any case were the birth parents consent is not necessary. No substitutes are permitted.

##### Factual Basis:

This section is necessary to comply with FC sections 8814(c) and 8816. A consent to adoption cannot be accepted when a birth parent is located outside of California, or in any case were the birth parent consent is not necessary unless CDSS or delegated county adoption agency gives its consent to the adoption. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(63) through (66) (Renumbered from Section 35001(a)(62) through (65))

##### Specific Purpose/Factual Basis:

These sections are renumbered from Section 35001(a)(62) through (65) to Section 35001(a)(63) through (66) to accommodate the addition of form AD 898. This amendment has no regulatory impact.

#### Section 35001(a)(67) (Renumbered from Section 35001(a)(66) to Section 35001(a)(67))

##### Specific Purpose:

Form AD 900 "Statement of Understanding – Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Indian Child to the Petitioner(s))" was revised by modifying the instructions on completing the form for clarity and consistency. A statement was added requiring the form be used with one of the following forms: AD 859 or AD 860. Information about a child who is or may be covered under ICWA was amended to clarify the rights of a child who has been confirmed under ICWA and a child who has not been confirmed. The form

was divided into separate sections to clarify what rights are given to a confirmed Indian child versus the rights under a child who has not been confirmed. The certification of the court was amended to comply with state and federal statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(66) to Section 35001(a)(67) to accommodate the addition of form AD 898. Form AD 900 "Statement of Understanding – Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Indian Child to the Petitioner(s))" is required when the custodial parent is consenting to adoption of an Indian Child.

#### Factual Basis:

The changes made to the form are necessary to provide guidance with completing the form and to comply with ICWA. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days have passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received, the parent must be informed of all their rights that would apply if the child falls, or does not fall, under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(68) (Renumbered from Section 35001(a)(67))

#### Specific Purpose:

Form AD 900A "Statement of Understanding – Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial) of the Indian Child to the Petitioner(s))" was revised by modifying the instructions on completing the form for clarity and consistency. A statement was added requiring the form be used with one of the following forms: AD 859 or AD 860. Statements were revised for the signer to better understand their rights. Information about a child who is or may be covered under ICWA was amended to clarify the rights of a child who has been confirmed under ICWA and a child who has not been confirmed. The form was divided into separate sections to clarify what rights are given to a confirmed Indian child vs. the rights under a child who has not been confirmed. The witnessing section was divided into sections to allow the form to be signed in or out of the state. The certification of the court was amended to comply with state and federal statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(67) to Section 35001(a)(68) to accommodate the addition of form AD 898. Form AD 900A "Statement of Understanding – Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial) of the Indian Child to the Petitioner(s))" is

required when the non-custodial parent is consenting to adoption of an Indian Child. No substitutes are permitted.

Factual Basis:

The changes made to the form are necessary to provide guidance with completing the form and to comply with ICWA. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days has passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received, the parent must be informed of all their rights that would apply if the child falls or does not fall under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(69) (Renumbered from Section 35001(a)(68))

Specific Purpose:

Form AD 900B "Statement of Understanding – Independent Adoptions Program (Alleged Natural Father of Indian Child)" was revised by modifying the instructions on completing the form for clarity and consistency. A statement was added requiring the form be used with the form AD 861. Statements were revised for the signer to better understand their rights. Information was added about a child who is, or may be, covered under ICWA. The certification section was deleted as alleged fathers do not have the rights under ICWA. The witnessing section was divided into sections to allow the form to be signed in or out-of-state. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. This section was also renumbered from Section 35001(a)(68) to Section 35001(a)(69) to accommodate the addition of form AD 898. Form AD 900B "Statement of Understanding – Independent Adoptions Program (Alleged Natural Father of Indian Child)" is required when the alleged father is consenting to adoption of an Indian Child. No substitutes are permitted.

Factual Basis:

The changes made to the form are necessary to provide guidance with completing the form and to comply with ICWA. It was necessary to delete the rights under ICWA as an alleged father does not have any right under ICWA. However, it was necessary to inform the alleged fathers that any other legal parent would have rights under ICWA if the child was confirmed to fall under ICWA. The certification section was deleted as only parents who have rights under ICWA need to sign in front of a judge. This form is incorporated by reference and is not printed in the

regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(70) (Renumbered from Section 35001(a)(69))

Specific Purpose:

Form AD 904 "Consent for Contact" was revised to remove the agency case number and state case number section. Within the form, in Part B., an area was added for the agency representative to provide specific information regarding the identity of the person completing the form. In Part C., a box was added for the person completing the form to indicate if they have previously had their signature notarized. Information was added indicating that the Notary Public must staple an Acknowledgement document to the form and added a definition of a Notary Public. New sections were added so that the adoptee may check a box to request the non-identifying background information regarding their birth parents, and birth parents may check a box to request the non-identifying background information regarding the adoptive parents that adopted the child. Information regarding fee was removed. This section was also renumbered from Section 35001(a)(69) to Section 35001(a)(70) to accommodate the addition of form AD 898. The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

The amendments to the AD 904 "Consent for Contact" are necessary to ensure that proper and complete information is provided to a birth parent or adult adoptee who intends to consent to future contact. The agency case number and state case number section was removed from the form, as the adoptee and birth parents do not normally have that information. The identification of the person completing the form was moved from Part A. to Part B. as that is where the agency representative completes and signs the form after verifying the requester's identification. The new section where the adoptee and birth parents may check a box to request non-identifying background information was added so that the adoptee and birth parents do not have to attach a separate letter to request the information. The sentence stating that there is no fee for providing post-adoption services was removed, as private adoption agencies may charge a fee for their services. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(71) (Renumbered from Section 35001(a)(70))

Specific Purpose:

Form AD 904A "Waiver of Rights to Confidentiality for Siblings" title was amended to provide clarity about the use of the form. Within the form, the instructions section was edited to provide clarity and consistency. The agency case number and state case number section was removed. The distribution instructions were removed.

The "Step-Sibling" category was added. The age of the adoptee and siblings who may complete the form was changed from 21 to 18. A statement regarding the requirement to attach a birth certificate was moved from the instructions to the "Designate One" box. Part A.: A sentence was added regarding the option to file a petition for a confidential intermediary. Part C.: A box was added for the person completing the form to indicate if they previously had their signature notarized. Sections E., F., and G. were removed. This section was also renumbered from Section 35001(a)(70) to Section 35001(a)(71) to accommodate the addition of form AD 898. The information on the form is required and substitutes of the form are not permitted.

#### Factual Basis:

The changes made to the form instructions are necessary to provide guidance with completing the form. The agency case number and state case number section was removed from the form, as the adoptee and siblings do not normally have that information. The designation section was rewritten to make it easier to distinguish between the adoptee and sibling. Changing the age from 21 to 18, adding the step sibling section and the information about the confidential intermediary reflect the requirements of AB 2488 (Chapter 386, Statutes of 2006) (FC section 9205). The new Part C. was added, as any additional correspondence from the requestor does not need to be notarized. Parts E, F, and G were removed because they are no longer required. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(72)

#### Specific Purpose:

This section is adopted to incorporate by reference the form AD 904B "Waiver of Rights to Confidentiality for Siblings – Under the Age of 18." The form is used by siblings under 18 years of age who were separated by adoption to submit a waiver form with the consent of their adoptive parent, birth parent, legal parent, guardian, or the dependency court under specific circumstances. If CDSS or the licensed adoption agency receives a waiver form from the adoptee and a sibling, contact may be arranged. The information on the form is required and substitutes of the form are not permitted.

#### Factual Basis:

The form is necessary to comply with AB 2488 (Chapter 386, Statutes of 2006) (FC section 9205) which permits siblings under 18 years of age who were separated by adoption to submit a waiver form with the consent of their adoptive parent, birth parent, legal parent, guardian, or the dependency court under specific circumstances. The information on the form is required and substitutes of the form are not permitted. This form is incorporated by reference and is not printed in the

regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(73) (Renumbered from Section 35001(a)(71))

##### Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(71) to Section 35001(a)(73) to accommodate the addition of forms AD 898 and AD 904B. This amendment has no regulatory impact.

#### Section 35001(a)(74) (Renumbered from Section 35001(a)(72))

##### Specific Purpose:

Form AD 908 "Adoptions Information Act Statement" was amended to relocate the instructions to the beginning of each section of the form. Within the form, Section A: An area for the birth parents' names and the type of adoption was added. The statements, "For Parent Signing Relinquishment" and "For Parent Signing Consent" were removed and replaced with the caption "Original copy will be maintained by" for clarity. A section for a Notary Public to complete was added. This section was also renumbered from Section 35001(a)(72) to Section 35001(a)(74) to accommodate the addition of forms AD 898 and AD 904B. The information on the form is required and substitutes of the form are not permitted.

##### Factual Basis:

Relocating the instructions to the beginning of each section clarifies which area the agency representative, birth parent, and Notary Public completes. An area for the birth parent to print his or her name was added. This was necessary to be able to identify the birth parent's name if the signature is illegible. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(75)

##### Specific Purpose:

This section is adopted to incorporate by reference the form AD 908A "Adoptions Information Act Statement – Adult Adoptee." This form is used to request a permit of an adult adoptee 21 years of age or older to request from CDSS or licensed adoption agency, the birth parent's name and most current address contained in the adoption case record. The birth parent must have consented to the disclosure on the AD 908 form. The adult adoptee may also request the non-identifying background information regarding their birth parents by checking a box on the form. The adult adoptee may also consent to the disclosure of their name and address to the birth parent upon the request of the birth parent. The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

The adoption of this form is necessary because FC section 9203 requires CDSS or licensed adoption agency to release certain information the birth parent consented to for disclosure. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(76) (Renumbered from Section 35001(a)(73))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(73) to Section 35001(a)(76) to accommodate the addition of forms AD 898, AD 904B, and AD 908A. This amendment has no regulatory impact.

Section 35001(a)(74) (Repeal)

Specific Purpose:

Form AD 920 "Relinquishment – In or Out of County (Alleged Natural Father in California)" is no longer used because it has been incorporated into form AD 586.

Factual Basis:

The repeal of this form is necessary because it was combined with form AD 586 to minimize the number of forms used in the Agency Adoption Program as most of the information on these forms was duplicative.

Section 35001(a)(75) (Repeal)

Specific Purpose:

Form AD 921 "Relinquishment (Birth Mother and/or Presumed Father)" is no longer used because it has been incorporated into form AD 501.

Factual Basis:

It is necessary to repeal this form because it was combined with form AD 501 to minimize the number of forms used in the Agency Adoption Program. Most of the information on these forms was duplicative.



### Section 35001(a)(76) (Repeal)

#### Specific Purpose:

Form AD 922 "Relinquishment Addendum for Parent Identifying Adopting Parent(s)" is no longer used because it has been incorporated into forms AD 501, AD 501A, and AD 504.

#### Factual Basis:

It is necessary to repeal this form because it was combined with forms AD 501, AD 501A, and AD 504 to minimize the number of forms used in the Agency Adoption Program. Most of the information on these forms was duplicative.

### Section 35001(a)(77)

#### Specific Purpose:

Form AD 924 "Independent Adoption Placement Agreement" was amended by adding a clarification statement, "This form MUST be signed after the Statement of Understanding (SOU AD 926) AND Declaration of Mother (AD 880) forms have been completed and signed. This Independent Adoption Placement Agreement WILL NOT be valid if it is signed prior to the SOU AD 926 and AD 880." The form was divided into sections to more clearly identify each section of the form. The 90-day revocation period was changed to 30 days making it consistent with current law. A statement was added regarding medical care. A notary section was added and an area to clarify what agency would be investigating the adoption. The prospective adoptive parent section was amended to include new statutory requirements. A new Adoption Service Provider (ASP) section was added allowing the form to be witnessed by two different ASPs. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 924 "Independent Adoption Placement Agreement" is required when the parent is placing the child for the purpose of an adoption. No substitutes are permitted.

#### Factual Basis:

Adding a statement regarding the signing of the document was necessary to be consistent with Section 35094.3 and ensure that the process of executing the Independent Adoption Placement Agreement is consistent on a statewide basis. Reducing the 90 days to 30 days was necessary to be consistent with state requirement FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Adding an additional section for a different ASP to witness the signing of the form allows for one party to sign in California and another party to sign either in another California county or out of state with a different ASP. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(a)(78)

#### Specific Purpose:

Form AD 925 "Independent Adoption Placement Agreement (Indian Child)" was amended by adding a clarification statement "This form MUST be signed after the Statement of Understanding (SOU AD 926) AND Declaration of Mother (AD 880) forms have been completed and signed. This Independent Adoption Placement Agreement WILL NOT be valid if it is signed prior to the SOU AD 926 and AD 880." The form was divided into sections to more clearly identify each section of the form. A statement was added regarding medical care. Information was added about a child who is or may be covered under ICWA. The certification of the court was amended to comply with state and federal statute. The form made clarifications in the witnessing section. The prospective adoptive parent section was amended to include new statutory requirements. A new ASP section was added allowing the form to be witnessed by two different ASPs. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 925 "Independent Adoption Placement Agreement" is required when the parent is placing an Indian Child for adoption. No substitutes are permitted.

#### Factual Basis:

Adding a statement regarding the signing of the document was necessary to be consistent with Section 35094.3 and to ensure that the process of executing the Independent Adoption Placement Agreement is consistent on a statewide basis. Adding an additional section for a different ASP to witness the signing of the form allows for one party to sign in California and another party to sign either in another county or out of state. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days have passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received the parent must be informed of all their rights that would apply if the child falls, or does not fall, under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(a)(79)

#### Specific Purpose:

Form AD 926 "Statement of Understanding – Independent Adoptions Program (Parent Who Places the Child with the Prospective Adoptive Parent(s))" was amended to add a statement requiring the form be used with form AD 924. Within

the form, statements were revised for the signer to better understand their rights. The 90-day revocation period was changed to 30 days making it consistent with current law. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 926 "Statement of Understanding – Independent Adoptions Program (Parent Who Places the Child with the Prospective Adoptive Parent(s))" is required when the parent is placing the child for adoption. No substitutes are permitted.

#### Factual Basis:

The changes made to the form are necessary to provide guidance with completing the form. Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(80)

#### Specific Purpose:

Form AD 927 "Statement of Understanding – Independent Adoptions Program (Parent of Indian Child Who Places the Child with Prospective Adoptive Parent(s))" was revised by modifying the instructions on completing the form to provide clarification. A statement was added requiring the form be used with form AD 925. Initial boxes were replaced with lines giving the consenting parent(s) more room to place their initials. Within the form, statements were revised for the signer to better understand their rights. Information about a child who is or may be covered under ICWA was amended to clarify the rights of a child who has been confirmed under ICWA and a child who has not been confirmed. The form was divided into separate sections to clarify what rights are given to a confirmed Indian child vs. the rights under a child who has not been confirmed. The witnessing section was divided into sections to allow the form to be signed in or out of the state. The certification of the court was amended to comply with state and federal statute. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 927 "Statement of Understanding – Independent Adoptions Program (Parent of Indian Child Who Places the Child with Prospective Adoptive Parent(s))" is required when the parent is placing an Indian Child for adoption. No substitutes are permitted.

#### Factual Basis:

The changes made to the form are necessary to comply with ICWA. The ICWA mandates that noticing occurs if it is known, or there is reason to know, the child is an Indian child. The tribe has 60 days to respond and after the 60 days have passed, the consenting parent may sign the consent to adoption. If confirmation of the child's tribal connection has not been received, the parent must be informed of

all their rights that would apply if the child falls, or does not fall, under ICWA. Therefore, the form has been amended to reflect the different conditions that may exist. It was also necessary to change the certification of the form to comply with Title 25 of the U.S.C. section 1913. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(81)

##### Specific Purpose:

Form AD 928 "Revocation of Consent – Independent Adoptions Program" was amended to change the 90-day revocation period to 30 days, making it consistent with current law. Other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. The information on the form is required and substitutes of the form are permitted.

##### Factual Basis:

Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35001(a)(82)

##### Specific Purpose:

Form AD 929 "Waiver of Right to Revoke Consent – Independent Adoption Program" was amended to change the instructions section for clarity and consistency. Within the form, the 90-day revocation period was changed to 30 days, making it consistent with current law. On the birth parents' section, a new section was added to require the birth parent to initial the appropriate statement regarding the person who is witnessing the signing of the form. The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. The information on the form is required and substitutes of the form are not permitted.

##### Factual Basis:

Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Allowing an ASP to witness this form was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 1726 (Chapter 534, Statutes of 2008). This form is incorporated by reference and is not printed in the

regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(83)

Specific Purpose:

Form AD 930 "Independent Adoption Placement Agreement Transmittal" was amended to reflect the most current version of the form. The original form is no longer available to indicate all the changes made from the original form to the current form. Attempts to locate the original form were unsuccessful. The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

This form is necessary for an ASP to provide notification to the investigating agency that an adoption placement agreement was completed and that the prospective adoptive parents are expected to file an adoption request. This form is also necessary to ensure the ASP is providing proper services to the public by submitting all the required documentation needed by the investigating agency to complete their investigation. If an ASP does not complete all the required documentation with the birth parent, it could be difficult to locate the birth parent later to gather the required information. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(85) (Repeal)

Specific Purpose:

Form AD 4311 "Information on American Indian Child" is obsolete and no longer used.

Factual Basis:

Form AD 4311 was replaced with ICWA-010(A) and ICWA-020. These forms are mandatory and are consistent with California Rules of Court, Rule 5481(a)(1) which requires these forms to be used.

Section 35001(a)(85) (Renumbered from Section 35001(a)(86))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(86) to Section 35001(a)(85) to accommodate the repeal of form AD 4311. This amendment has no regulatory impact.

Section 35001(a)(86) (Renumbered from Section 35001(a)(87))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35001(a)(87) to Section 35001(a)(86) to accommodate the repeal of form AD 4311. This amendment has no regulatory impact.

Section 35001(a)(87) (Renumbered from Section 35001(a)(88))

Specific Purpose:

Form AD 4333 "Acknowledgment or Confirmation of Receipt of Relinquishment Documents" was renamed to "Acknowledgement or Confirmation of Receipt of Child Freeing Documents" to provide clarity to the use of the form.

The form was revised into three sections to distinguish between relinquishment, waiver or denials and court-ordered termination of parental rights. The term biological father was added to the form to distinguish him from a presumed and an alleged father. Information was added to include tribal customary adoptions and Indian heritage. This form is also renumbered from Section 35001(a)(88) to Section 35001(a)(87). The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

The changes were necessary to conform to AB 1712 (Chapter 846, Statutes of 2012) (W&I Code sections 366.3 and 366.31(f)) regarding nonminor dependents and AB 1325 (Chapter 287, Statutes of 2009) (W&I Code section 366.24) regarding Tribal Customary adoptions. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS. This form is used exclusively by the Department and is available upon request.

Section 35001(a)(88) (Renumbered from Section 35001(a)(89))

Specific Purpose:

Form AD 4336 "Presumed Father's Consent to Adoption When Denying He is the Biological Father" was renamed to provide more clarity to the use of the form. Within the form, the 90-day revocation period was changed to 30 days making it consistent with current law. The section completed by an officer in the Armed Forces was amended to meet state statute. This form is also renumbered from Section 35001(a)(89) to Section (a)(88). The form was restructured and other minor, nonsubstantive changes were made for clarity and consistency, but have no regulatory impact. Form AD 4336 "Presumed Father's Consent to Adoption When Denying He is the Biological Father" is required when the presumed father is

denying he is the biological father but is consenting to the adoption. Substitutes of the form are not permitted.

Factual Basis:

Reducing the time period within which a parent may revoke the placement agreement from 90 days to 30 days was necessary to be consistent with state requirement at FC section 8814.5 as amended by SB 104 (Chapter 688, Statutes of 2001). Amending the section for an officer of the armed forces to sign is consistent with California Civil Code section 1183.5. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35001(a)(89)

Specific Purpose:

This section is adopted to incorporate by reference the Form ADM 36 "Medical Report Regarding Child to be Adopted." The form is to be completed by a physician to gather medical information on the child to be adopted. The information on the form is required and substitutes of the form are not permitted.

Factual Basis:

This form is necessary to ensure adoption agencies are gathering necessary medical information that is released to prospective adoptive parents/petitioners pursuant to FC section 8706 and 8817. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Handbook Section 35001(a)(89)

Specific Purpose/Factual Basis:

This section was amended to clarify that adoption forms may be obtained through CDSS and who to contact at CDSS.

Section 35001(b)(1)

Specific Purpose:

Form BID 7-A is obsolete and no longer used, it was replaced by FD 258. Copies of this form have been destroyed and therefore are unavailable. Form BCIA 8016 "Request for Live Scan Service." is incorporated by reference. Form BCIA 8016 "Request for Live Scan Service." is required and no substitutes are permitted.

Factual Basis:

This form is necessary as it is used to request Live Scan Services on prospective adoptive parents/petitioners as required by FC sections 8712 and 8811. This form is published and regulated by the Department of Justice (DOJ). This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the DOJ.

Section 35001(b)(2)

Specific Purpose:

This section is adopted to incorporate by reference form BCIA 8302 "No Longer Interested (NLI) Notification (For Non-Department of Justice Applicants)." This form is required and no substitutes are permitted.

Factual Basis:

The form is necessary and to be completed by adoption agencies when they are no longer required to receive notifications of subsequent arrests from DOJ because the adoption case has been closed. This form is published and regulated by DOJ. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the DOJ.

Section 35001(b)(3)

Specific Purpose:

This section is adopted to incorporate by reference form BCII 9004 "Request for Exemption from Mandatory Electronic Fingerprint Submission Requirement." This form is required and no substitutes are permitted.

Factual Basis:

This form is used to request an exemption from Live Scan Services, and instead submit the request using a fingerprint card. This form is used when petitioner(s)/ prospective adoptive parent(s) reside out of state and are unable to use the Live Scan services offered in California. The adoption of this form is necessary to ensure that adoption agencies use a consistent process, as required by DOJ, to secure the criminal background of an applicant for adoption when the applicant is unable to use standard Live Scan services. This form is published and regulated by DOJ. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the DOJ.



## Handbook Section 35001(b)

### Specific Purpose/Factual Basis:

This handbook section is provided to inform users where BCIA, BCII and FD forms can be obtained.

## Section 35001(d)(1) (Repeal)

### Specific Purpose/Factual Basis:

Form DHS 6155 "Health Insurance Questionnaire" is obsolete and no longer used. Copies of this form have been destroyed and therefore are unavailable. This section is being reserved.

## Section 35001(f)(1) (Renumbered from 35001(f)(3))

### Specific Purpose:

This section is renumbered from Section 35001(f)(3) for clarity and consistency. The FC 3 "Determination of Federal AFDC-FC Eligibility" form revision date has also been updated.

### Factual Basis:

This form is used to determine if a child meets the eligibility requirements for foster care benefits under the Aid to Families with Dependent Children (AFDC) Foster Care (FC) and is used, in part, to determine eligibility for the Adoption Assistance Program. This form appears in Division 31 Section 31-003(f)(2) and has gone through the regulatory process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016.

## Section 35001(f)(2) (Renumbered from 35001(f)(8))

### Specific Purpose:

This section is renumbered from Section 35001(f)(8) for clarity and consistency. Form FC 8 "Federal Eligibility Certification for Adoption Assistance Program."

### Factual Basis:

This form is necessary and used to determine the eligibility of a child for federal reimbursement of the cost of Adoption Assistance Program payments. This amendment is necessary to restructure the regulations in a logical order for clarity and consistency, but has no regulatory impact.

#### Section 35001(f)(3) (Renumbered from 35001(f)(10))

##### Specific Purpose:

This section is renumbered from Section 35001(f)(10) for clarity and consistency. The form FC 10 "Income and Property Checklist for Federal Eligibility Determination – Adoption Assistance Program" revision date has also been updated.

##### Factual Basis:

This form is necessary and used to help determine the eligibility of a child for federal Adoption Assistance Program. This amendment is necessary to restructure the regulations in a logical order for clarity and consistency, but has no regulatory impact.

#### Section 35001(f)(4)

##### Specific Purpose:

This section is adopted to incorporate by reference form FD 258. This form replaced the BID 7-A form. Form FD 258 is required and no substitutes are permitted.

##### Factual Basis:

The form is necessary to secure fingerprints when Live Scan is unavailable. This form is published and regulated by DOJ. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the DOJ.

#### Section 35001(f)(5), (6), (7) and (9)

##### Specific Purpose/Factual Basis:

These sections, which are currently "Reserved," are repealed and if needed at a later date, they will be adopted then.

#### Section 35001(i)(1)

##### Specific Purpose:

Form ICPC 100A has been renamed to "Interstate Compact On The Placement Of Children Request." This form is used by the CDSS State Deputy Compact Administrator, County ICPC Liaisons, Adoptions Offices and Licensed Adoption Agencies seeking to make an interstate placement of a child, or a parent(s) seeking to make a private placement out of state. This form is required and no substitutes are permitted.

### Factual Basis:

This form is necessary to be used by the above-named entities as the sending agency's formal written notice to the receiving state of their intention to make an interstate placement, and to request that the receiving state provide a finding as to whether the placement would or would not be contrary to the best interest of the child. This form initiates a review by the receiving state which then becomes the official notification that the proposed placement may or may not be made in keeping with the provisions of the compact that contained in Article V, Retention of Jurisdiction. The use of this form is required for all placements in which the compact is applicable. The form is consistent with the requirements specified in FC section 7901. This form appears in Division 31 Section 31-003(i)(1) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(i)(2)

#### Specific Purpose:

Form ICPC 100B form has been renamed to "Interstate Compact on the Placement of Children Report on Child's Placement Status." This form is used by the CDSS State Deputy Compact Administrator, County ICPC Liaisons, Adoptions Office and Licensed Adoption Agencies seeking to make an interstate placement of a child, or a parent(s) seeking to make a private placement out-of-state. This form is required and no substitutes are permitted.

### Factual Basis:

This form is necessary to be used by the above-named entities to: (1) confirm that an approved placement in accordance with the compact has been made; (2) withdraw a request prior to the home study; (3) indicate that an approved resource will not be used; (4) report a change in the placement resource and/or type of care; (5) report a change of address; and (6) close an ICPC case. This form is an essential tool for both the compact offices and local agency staff in maintaining current information of the child's movement into, out of, and if pertinent, within the receiving state. It is also a very important mechanism for notifying another state when a placement under the compact has been terminated and thus providing formal confirmation of case closure. The form is consistent with the requirements specified in FC section 7901. This appears in Division 31 Section 31-003(i)(2) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

### Section 35001(i)(3)

#### Specific Purpose/Factual Basis:

Form I-600 "Petition to Classify Orphan as an Immediate Relative" has been amended and the new revision date has been updated. The form is used, in part, as part of the adjustment of immigration status of a child after an adoption. This form is published and regulated by Department of Homeland Security. Copies of the old form have been destroyed and therefore are unavailable. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the U.S. Department of Homeland Security.

### Handbook Section 35001(i)(3)

#### Specific Purpose/Factual Basis:

This section is amended to reflect the new name of Department of Homeland Security.

### Section 35001(j)(1)

#### Specific Purpose/Factual Basis:

Form Adopt-200 "Adoption Request" has been updated by the Judicial Council of California and the new revision date and name of the form have been amended. The form is used by adopting parent(s) to petition the court to adopt a child. The form is consistent with California Rules of Court, Rules 5.480-5.487 and 5.730. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

### Section 35001(j)(2)

#### Specific Purpose/Factual Basis:

Form Adopt-210 "Adoption Agreement" has been updated by the Judicial Council of California and the new revision date and name of the form have been amended. The form is used by adopting parent(s) as the Adoption Agreement. The form is consistent with California Rules of Court, Rule 5.730. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(3)

##### Specific Purpose/Factual Basis:

Form Adopt-215 "Adoption Order" has been updated by the Judicial Council of California and the new revision date and name of the form have been amended. The form is used by the court as the Adoption Order. The form is consistent with California Rules of Court, Rule 5.730. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(4)

##### Specific Purpose/Factual Basis:

Form Adopt-220 "Adoption of Indian Child" has been updated by the Judicial Council of California and the new revision date and name of the form have been amended. The form is used by adopting parent(s) in conjunction to the ADOPT-220 to petition the court to adopt an Indian Child. The form is consistent with 25 U.S.C. 1951. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(5)

##### Specific Purpose/Factual Basis:

This section is adopted to incorporate by reference the form Adopt-225 "Parent of Indian Child Agrees to End Parental Rights." The form is used by the California courts to allow a parent of an Indian child to terminate their parental rights. This form is necessary in an adoption case where an Indian parent is voluntarily terminating his or her rights. The form is consistent with 25 U.S.C. 1913. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(6) (Renumbered from Section 35001(j)(5))

##### Specific Purpose/Factual Basis:

Form Adopt-230 "Adoption Expenses" has been updated by the Judicial Council of California and the new revision date and name of the form have been amended. The form is used by adopting parents to record any adoption expenses and to

submit to the court. The form is consistent with FC section 8610. This form is regulated and printed by the Judicial Council of California. This section is also renumbered from Section 35000(j)(5) to Section 35000(j)(6) to accommodate the addition of form Adopt-225. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

Section 35001(j)(7) (Renumbered from Section 35001(j)(6))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35000(j)(6) to Section 35000(j)(7) to accommodate the addition of form Adopt-225. This amendment has no regulatory impact.

Section 35001(j)(8)

Specific Purpose:

This section is adopted to incorporate by reference the form ICWA-010(A) "Indian Child Inquiry Attachment" that is used by the petitioner (responsible county welfare department or licensed adoption agency, adoption service provider) in each child custody case to document that the petitioner has inquired about whether the child does, or may have, Indian ancestry. This form is regulated and printed by the Judicial Council of California. This form is required and no substitutes are permitted.

Factual Basis:

The adoption of this form is necessary because it must be completed on all child custody cases as defined by WIC section 224.1 and FC section 177 to document that inquiry into Indian ancestry was made. The form is used to determine whether further requirements of ICWA and implementing California statutes and rules of court may apply to the proceeding. This form is consistent with California Rules of Court, Rule 5481(a)(1) which requires this form be used. This appears in Division 31 Section 31-003(j)(1) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

Section 35001(j)(9)

Specific Purpose:

This section is adopted to incorporate by reference the form ICWA-020 "Parental Notification of Indian Status." The petitioner in child custody cases as specified in

WIC section 224.1 and FC section 177 must ask each of the child's parents (if available) about Indian ancestry and tribal connections in order to determine whether further requirements of ICWA, implementing California Statutes and Rules of court may apply to the proceeding. This form is regulated and published by the Judicial Council of California. This form is required and no substitutes are permitted.

Factual Basis:

This form is required to be used if a parent, guardian or Indian custodian states they are enrolled, eligible for enrollment in a tribe or may have Indian ancestry. California Rules of Court, Rule 5.481(a)(2) requires the use of this form. This is consistent with WIC section 224.3 and FC section 177 which requires inquiry of Indian ancestry in adoption cases. This appears in Division 31 Section 31-003(j)(2) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

Section 35001(j)(10)

Specific Purpose:

This section is adopted to incorporate by reference the form ICWA-030 "Notice of Child Custody Proceeding for Indian Child" by petitioners in adoption cases as defined in FC Section 177 when they have reason to know that the child who is subject to the proceeding is or may be an Indian child. This form is regulated and printed by the Judicial Council of California. This form is required and no substitutes are permitted.

Factual Basis:

The adoption of this form is necessary because it is required in each child custody proceeding when there is reason to know the proceeding involves an Indian child. The completed form must be sent by registered or certified mail, return receipt requested to each tribe of which the child is or may be a member or may be eligible for membership so that the tribe may make a determination of whether or not the child is a member or eligible for membership in the tribe. California Rules of court, Rule 5.481(b) requires the use of this form. This is consistent with FC section 180 which requires notice be sent to all interested parties when there is reason to know the child may be an Indian child. This appears in Division 31 Section 31-003(j)(3) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(11)

##### Specific Purpose:

This section is adopted to incorporate by reference the form ICWA-030(A) "Attachment to Notice of Child Custody Proceeding for Indian Child" which is used by petitioners in child custody proceedings as defined in FC section 180 in which there is reason to know that the child is, or may be, an Indian child. This form is regulated and printed by the Judicial Council of California. This form is required and no substitutes are permitted.

##### Factual Basis:

The ICWA-030(A) is used when notice is sent to a tribe or multiple tribes and there is a need for additional space on the service list. This provides additional space beyond the space provided on ICWA-030 form. California Rules of Court, Rule 5.481(b) requires the use of this form. This appears in Division 31 Section 31-003(j)(4) and has gone through the regulation process with OAL File No. 2016-0706-06S (ORD #0614-05), effective October 1, 2016. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Section 35001(j)(12) (Renumbered from Section 35001(j)(7))

##### Specific Purpose/Factual Basis:

Form JV-505 "Statement Regarding Parentage" has been updated and the new revision date and name of the form has been amended. The form is used by the courts to record any statement regarding parentage. The form is consistent with FC sections 7540, 7541, 7611, 7611.5, 7612, 8612, 8714, 8714.5, 8902, and 9000. This section is also renumbered from Section 35001(j)(7) to Section 35001(j)(12) to accommodate the addition of the preceding forms. This form is regulated and printed by the Judicial Council of California. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Courts.

#### Handbook Section 35001(j)(12)

##### Specific Purpose/Factual Basis:

This section was amended to inform the user of the location of where the ADOPT, ICWA and JV forms can be obtained.



#### Section 35001(v)(1)

##### Specific Purpose/Factual Basis:

The form VS-44 "Court Report of Adoption" has been updated. The form is used by adopting parent(s) to request an amended birth certificate for the child they have adopted. This form is regulated and printed by Department of Public Health. This form is required and no substitutes are permitted. This form is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the California Department of Public Health.

#### Handbook Section 35001(v)(1)

##### Specific Purpose/Factual Basis:

This section was amended to reflect the new name of the Department of Public Health and their new contact information.

#### Section 35002 Title

##### Specific Purpose/Factual Basis:

This editorial change amends the section title to better reflect the regulations within it. This change is necessary to provide clarity for the reader and has no regulatory impact.

#### Section 35002(a)

##### Specific Purpose:

This section is amended for clarity, the relinquishment or consent form needs to be initialed by all listed parties when the form has been corrected or altered.

##### Factual Basis:

The amendments to this section are necessary to inform the responsible party that the relinquishment or consent form needs to be initialed by all parties listed when the form has been corrected or altered.

#### Section 35002(a)(4)

##### Specific Purpose:

This section is amended to clarify that Section 35002(a)(4) only applies to agency adoptions.

Factual Basis:

This amendment is necessary to clarify that in agency adoptions, the witness to the relinquishment is required to also initial the form when any corrections or alterations are made to the form. It is necessary to clarify that relinquishments are only used in the Agency Adoption Program.

Section 35003 Title

Specific Purpose/Factual Basis:

This editorial change is to amend the section title. This change is necessary to provide clarity for the reader and has no regulatory impact.

Section 35003(a)(1)(A)

Specific Purpose:

This section is amended to notify the agency or ASP that CDSS will arrange for the translation of any forms that are not currently available in the parent's native language. This section is also repealing the words "Adoptions Branch" as this branch in CDSS no longer exists. This section also made other minor changes that have no regulatory impact.

Factual Basis:

These section amendments are necessary to provide clarity that CDSS will arrange for the translation of forms. In the past, the agency or ASP was allowed to provide the translation of the forms when CDSS could not arrange for the translation in a reasonable time. However, the agency or ASP would still be required to submit the translated forms to CDSS to determine the accuracy of the translation before the form could be used. It was assumed that allowing agencies or ASPs to translate the forms would expedite the process. However, this additional step actually prolongs the time period of completing the translation. The deletion of reference to the Adoptions Branch is necessary because this branch no longer exists.

Handbook Section 35003(a)(1)(A)1.

Specific Purpose/Factual Basis:

This handbook section is repealed. The relevant information from this section is adopted into regulation section 35003(a)(1)(A).

#### Handbook Section 35003(a)(1)(A)

##### Specific Purpose/Factual Basis:

This section is adopted to provide the reader with information about who to contact regarding the translation of forms in the Independent or Agency Adoption Programs.

#### Sections 35003(a)(2) through (a)(2)(B)2.

##### Specific Purpose:

These sections are repealed to delete an unnecessary step of having the adoption agency or ASP translate the adoption forms into the parent's native language.

##### Factual Basis:

The repeal of this section is necessary because it removes an additional step to the agency, ASP or parent. In the past, the agency or ASP was allowed to provide the translation of the forms when CDSS could not arrange for the translation in a reasonable time. However, the agency or ASP would still be required to submit the translated forms to CDSS to determine the accuracy of the translation before the form could be used. It was assumed that allowing agencies or ASPs to translate the forms would expedite the process. However, this additional step actually prolongs the time period of completing the translation. This process does not produce the form in a timelier manner and puts an unnecessary expense on the adoptive parents.

#### Section 35003(b)(1)(A)

##### Specific Purpose:

This section is amended to clarify that any reading of the required forms must be from a translated form approved by CDSS.

##### Factual Basis:

This amendment is necessary to clarify that any reading of forms must be from the forms that were translated by CDSS. It is important to ensure the information that is being read is from Department-approved forms in order to remove barriers to the parent receiving accurate and complete information.

#### Handbook Section 35003(b)(1)(A)1.

##### Specific Purpose/Factual Basis:

This handbook section is repealed to avoid duplication. Information about obtaining translated forms is in Section 35003(a)(1)(A).

#### Section 35003(b)(2)

##### Specific Purpose:

The amendment to this section is to clarify that if the parents are going to provide a reader, it is to be an adult person.

##### Factual Basis:

This amendment is necessary to clarify that the reader must be an adult person and not a child. It is important to ensure the information being read is accurate. Also, given the emotional and sensitive nature of adoption proceedings, it would be inappropriate for anyone but an adult to read translated documents.

#### Section 35003(b)(3)(A)

##### Specific Purpose/Factual Basis:

This section is amended to make minor editorial changes for clarity and consistency. These changes have no regulatory impact.

#### Handbook Section 35021(a)(1)

##### Specific Purpose/Factual Basis:

This handbook section is amended to provide a website link to the California Code of Regulations and to delete direct quotes from it. This link would have the most up-to-date regulations. If the reader questions the regulations, it would be best for them to review the current version of the California Code of Regulations that is relevant to the requirements for the staffing of adoption agencies. Because these amendments appear in Handbook and are informational only, they have no regulatory impact.

#### Section 35037(a)

##### Specific Purpose/Factual Basis:

This section is amended to provide the correct subsection to the cross reference to FC section 9203. Other minor editorial changes, made for clarity and consistency, have no regulatory impact.

#### Section 35037(b)

##### Specific Purpose:

This section is amended to clarify who is responsible to pay for criminal record clearances fees.

Factual Basis:

The amendments to this section are necessary to provide clarity and accurate information to the reader. Pursuant to FC sections 8712, 8811, and 8908, the applicant is responsible for any fee associated with criminal record clearances. However, the existing regulatory language puts the responsibility on the agency to collect the fee and does not clarify that the applicant or petitioner is responsible for paying the fee. This amendment more accurately describes who is responsible for the necessary fees.

Section 35037(b)(1)

Specific Purpose:

This section is amended to provide clarity that the agency taking on responsibility for payment of fees to the Department of Justice is not responsible for any onsite processing fees.

Factual Basis:

This amendment is necessary to clarify that an adoption agency or CDSS cannot defer, waive or reduce any onsite processing fees that may be charged. Onsite processing fees are unknown fee amounts charged by vendors providing the services.

Section 35043

Specific Purpose:

This section is repealed. The information included refers to a program no longer available.

Factual Basis:

Repeal of this section is necessary because the program it refers to is no longer available.

Section 35045(a)

Specific Purpose/Factual Basis:

This section is amended to correctly state the cross reference to Title 22, California Code of Regulations (CCR), Division 6, Chapter 9, Article 2, Sections 89179 and 89182 which include the requirements for "Content of Case Records." This change has no regulatory impact.

#### Handbook Section 35045(a)

##### Specific Purpose/Factual Basis:

This section is included to provide the website address where the mentioned CCR sections can be found.

#### Section 35047(a)

##### Specific Purpose/Factual Basis:

This section is amended to make minor editorial changes for clarity and consistency. The phrase "as appropriate" is repealed to allow for the reformatting of the regulations to divide the adoption case records section by adoption program. These changes are necessary to accommodate the regulatory amendments made within this section.

#### Section 35047(a)(1)

##### Specific Purpose:

This section is adopted to clarify the required items which must be included when an adoption case record for either an independent or agency adoption is being created.

##### Factual Basis:

This section is necessary for clarity and consistency to ensure that documents required to be part of the adoption case record in either agency or independent adoptions are included in the record.

#### Section 35047(a)(1)(A) (Renumbered from 35047(a)(1))

##### Specific Purpose:

This section is amended to clarify the documentation that is used to freeing a child for adoption. This section is renumbered from Section 35047(a)(1) to Section 35047(a)(1)(A).

##### Factual Basis:

This amendment is necessary to clarify what documents are used to verify whether the child is freed for adoption. It is beneficial to users of the regulations to list examples of documents that would meet this requirement.

Section 35047(a)(1)(B) (Renumbered from Section 35047(a)(2))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35047(a)(2) to Section 35047(a)(1)(B) to accommodate the addition of Section 35047(a)(1), and to reformat for ease of use. These changes have no regulatory impact.

Section 35047(a)(1)(C) (Renumbered from Section 35047(a)(3))

Specific Purpose/Factual Basis:

This section is amended to clarify documents in this section are regarding the unavailability of official documents, as described by Section 35044. This section is renumbered from Section 35047(a)(3) to Section 35047(a)(1)(C) to accommodate the addition of Section 35047(a)(1), and to reformat for ease of use.

Sections 35047(a)(1)(D) through (a)(1)(F) (Renumbered from 35047(a)(8) through (10))

Specific Purpose:

Sections 35047(a)(8) through (10) are renumbered to Sections 35047(a)(1)(D) through (a)(1)(F) to structure in a more logical order.

Factual Basis:

This editorial change is necessary to improve clarity of the regulations by structuring the regulation content in a more logical order. Minor editorial changes are made for clarity and consistency. These changes have no regulatory impact.

Sections 35047(a)(11)(A) through (J)

Specific Purpose:

These sections are repealed to avoid duplication of requirements already stated in Section 35165(e).

Factual Basis:

Repeal of these sections is necessary to provide clarity and consistency for the reader, and structure the regulations in a more logical order. The consolidation of information will encourage the reader to read the entire section related to the specific topic versus a brief synopsis stated in this section.

Section 35047(a)(1)(G) (Renumbered from Section 35047(a)(12))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35047(a)(12) to Section 35047(a)(1)(G) to restructure the section. This amendment improves clarity and makes the presentation of the regulations more logical by separating the additional requirements needed in adoption case records by documents that are needed for each adoption program. This section also made other minor grammatical changes that have no regulatory impact.

Section 35047(a)(1)(H) (Renumbered from Section 35047(a)(21))

Specific Purpose:

This section is renumbered from Section 35047(a)(21) to Section 35047(a)(10)(H) to structure the regulations in a more logical order. It is also amended to clarify a written acknowledgement signed by the prospective adoptive parent(s) is needed for the confirmation of receipt by the prospective adoptive parent of the identified documents.

Factual Basis:

The renumbering of the section is necessary to improve clarity of the regulations by structuring the regulation content in a more logical order. It is necessary for the adoption case record to include a written acknowledgement confirming that the prospective adoptive parents have received medical background information regarding the child to ensure that the agency has provided all medical information about the child prior to the adoption.

Section 35047(a)(1)(I) (Renumbered from Section 35047(a)(13))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35047(a)(13) to Section 35047(a)(1)(I) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records. This section also made other minor grammatical changes that have no regulatory impact.

Section 35047(a)(1)(J) (Renumbered from Section 35047(a)(14))

Specific Purpose:

This section is amended to provide clarity by identifying the specific forms that are needed in requesting identifying information. This section is also renumbered from Section 35047(a)(14) to Section 35047(a)(1)(J) to structure the regulations in a



more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Factual Basis:

The amendments to this section are necessary to meet the requirements specified in FC section 9203. FC section 9203 gives instructions to CDSS or licensed adoption agency to prescribe a form for the request of disclosure of identity of the birth parents. CDSS forms used for this purpose are listed in this section.

Section 35047(a)(1)(K) (Renumbered from Section 35047(a)(15))

Specific Purpose:

This section is amended to provide clarification that identifying information provided to the adoptee must be retained in the adoption case record. This section is also renumbered from Section 35047(a)(15) to Section 35047(a)(1)(K) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Factual Basis:

The amendment to this section is necessary to clarify that this provision relates to information provided to the adoptee.

Section 35047(a)(1)(L) (Renumbered from Section 35047(a)(16))

Specific Purpose:

This section is amended to clarify the form number of the document that needs to be maintained in the adoption case record when a birth parent or adult adoptee is consenting to contact. This section is also renumbered from Section 35047(a)(16) to Section 35047(a)(1)(L) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Factual Basis:

The amendments to this section are necessary to clarify that specific forms are required to be included in the adoption case record when the birth parent or adoptee is consenting to contact after adoption.

Section 35047(a)(17))

Specific Purpose/Factual Basis:

This section is repealed to allow the adoption of new sections which describe more clearly the methodology to be used by the birth parent when authorizing the release of information.

Section 35047(a)(1)(M)

Specific Purpose:

This section is adopted to establish the requirement that, for siblings who request contact of each other, CDSS, the county adoption agency, or the licensed adoption agency must release the names and addresses of the siblings. The forms used for this purpose must be part of the child's adoption case record.

Factual Basis:

This section is necessary to comply with FC section 9205 which describe the procedure to release contact information for siblings. The forms mentioned are necessary because CDSS or the licensed adoption agency is required to arrange contact if a waiver form is received pursuant to AB 2488 (Chapter 386, Statutes of 2006).

Section 35047(a)(1)(N)

Specific Purpose:

This section is adopted to establish the requirement that, for those parties that are entering into a Postadoption Contact Agreement, a copy of the form Adopt-310 must be included as part of the adoption case record.

Factual Basis:

This section is necessary to clarify that when a Postadoption Contact Agreement is signed, a copy of the form must be kept in the adoption case record. Postadoption Contact Agreements were added to FC section 8616.5 by SB 2157 (Chapter 930, Statutes of 2000) and AB 2921 (Chapter 910, Statutes of 2000) changed "Kinship Adoption Agreement" to "Postadoption Contact Agreements." Consistent with section 8714.5 and 8802, this form is used to record an agreement between the adopting parent(s) and the birth parent(s) of any postadoption contact. It is important to have this form in the adoption case record as the adoption agency makes a recommendation to the court regarding the Postadoption Contract Agreement, therefore, including this form ensures the adoption case record is complete.

Section 35047(a)(1)(O) (Renumbered from Section 35047(a)(18))

Specific Purpose:

This section is amended to clarify the documentation needed under ICWA placement preferences. This section is also renumbered from Section 35047(a)(18) to Section 35047(a)(1)(O) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Factual Basis:

The amendments to this section are necessary to clarify the documentation of placement preferences under ICWA are required to be kept in the adoption case record. This information is consistent with 25 U.S.C. 1915 and FC section 177(a).

Section 35047(a)(1)(P)

Specific Purpose:

This section is adopted to require the ICWA forms that are needed to document in the adoption case record the inquiry into whether a child is, or may be, an Indian child and that it is made in accordance with ICWA statutes.

Factual Basis:

The adoption of this section is necessary to document in the adoption case record that the agency has met its affirmative and ongoing duty to inquire into whether a child is, or may be an Indian child. This will implement FC section 177 and California Rules of Court, Rule 5.481(a).

Section 35047(a)(1)(Q)

Specific Purpose:

This section is adopted to require to include in the adoption case record the form ICWA-030 and documentation of all registered or certified mailings, any court determination, copies of any responses from tribe(s) and copies of any responses from the Bureau of Indian Affairs.

Factual Basis:

The adoption of this section is necessary to be consistent with the procedures for the noticing and documentation required by ICWA, 25 U.S.C. sections 1912(a) and (d), FC section 180 and California Rules of Court, Rule 5.481(b). This provision ensures that necessary documentation regarding a child's Indian ancestry and notice of a child custody proceeding involving an Indian child is maintained in the adoption case record.

Section 35047(a)(1)(R) (Renumbered from Section 35047(a)(19))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35047(a)(19) to Section 35047(a)(1)(R) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Sections 35047(a)(1)(S) and (T) (Renumbered from Sections 35047(a)(11)(K) and (L))

Specific Purpose:

The specific purpose of these sections is to renumber current Sections 35047(a)(11)(K) and (L) to Sections 35047(a)(1)(S) and (T) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records. These sections also made minor changes in reformatting the structure of the sentence. These changes have no regulatory impact.

Factual Basis:

This editorial change is necessary to improve clarity of the regulations by structuring the regulation content in a more logical order.

Section 35047(a)(20) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed because the information is no longer valid.

Section 35047(a)(1)(U) and (U)1. (Renumbered from Sections 35047(a)(22) and (22)(A))

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35047(a)(22) and (22)(A) to Sections 35047(a)(1)(U) and (U)1. to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records. Adding "petitioner(s)" to the regulation is necessary because this term is used within the Independent Adoption Program.

Section 35047(a)(1)(V) (Renumbered from Section 35047(a)(23))

Specific Purpose:

This section is amended to clarify all the criminal history documents that must be included in the adoption agencies adoption case record. Obsolete forms are replaced with those that have taken their place. This section is also renumbered from Section 35047(a)(23) to Section 35047(a)(1)(V) to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records.

Factual Basis:

These amendments are necessary to ensure that the adoption case record contains evidence that the agency has complied with the federal requirements in the Adam Walsh Child Protection & Safety Act of 2006, Public Law (PL) 109-248 which include requesting a copy of the Child Abuse Central Index Clearance. Such documentation is necessary for the agency to make a recommendation as to whether the adoption should go forward and is necessary in the event of any federal audit or case review.

Section 35047(a)(1)(W) (Renumbered from Section 35047(a)(24))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35047(a)(24) to Section 35047(a)(1)(W) to structure the regulations in a more logical order and to separate, for each adoption program, the additional requirements needed in the adoption case records. The renumbering of this section has no regulatory impact.

Sections 35047(a)(2) through (a)(2)(G)

Specific Purpose:

These sections are adopted to establish the documentation required for adoption case records in the Independent Adoption Program. Those documents include: a copy of the preplacement evaluation or the valid private agency adoption home study, if submitted; the form AD 100 – Authorization for Use and/or Disclosure of Information Independent Adoption Program; any school reports for school-age children; any background information about the birth parent(s) as required by Section 35092(b); any assessments of the child as required by Section 35093; the form AD 512 – Psychosocial and Medical History of Child; any request for a fee reduction and any supporting documentation submitted.

Factual Basis:

These sections are necessary to document the adoption case records needed for the Independent Adoption Program. Documentation gathered varies depending on

the type of adoption that is being processed. This section is limited to those documents in the Independent Adoption Program.

Section 35047(a)(3)

Specific Purpose:

This section is adopted to list all the required documents for the Agency Adoption Program that need to be included in the adoption case record.

Factual Basis:

This section is necessary to provide clarity and consistency in establishing an adoption case record in the Agency Adoption Program. Documentation gathered varies depending on the type of adoption that is being processed. This section is limited to those documents in the Agency Adoption Program. This section is also necessary to serve as an introduction to the ensuing section.

Sections 35047(a)(3)(A), (C), (D), (E) and (F) (Renumbered from Sections 35047(a)(4), (5), (6), (7) and (11))

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 35047(a)(4), (5), (6), (7) and (11) to Sections 35047(a)(3)(A), (C), (D), (E) and (F), respectively to structure the regulations in a more logical order and to separate for each adoption program, the additional requirements needed in the adoption case records. Editorial amendments are done for clarity and consistency.

Section 35047(a)(3)(B)

Specific Purpose:

This section is adopted to inform the agency that copies of the signed form AD 100A – Authorization for Use and/or Disclosure of Health Information, shall be included in the adoption case record.

Factual Basis:

This section is necessary to ensure the adoptions case record includes the birth parent's authorization to use and/or disclose health information. Without this authorization, it would not be possible to disclose that very important information which could possibly play an important role in the adoption decision.

## Section 35049(a) and Handbook

### Specific Purpose:

This specific purpose of this section is to refer the reader to Subchapter 8 for additional procedures for a child subject to the provision of ICWA. The handbook section is repealed since it is being adopted as regulation.

### Factual Basis:

This section is necessary because children that are subject to ICWA must also follow the procedures included in Subchapter 8, otherwise, the adoption cannot be properly completed. It is also necessary to adopt this section in regulations because handbook is not regulatory and having this regulation ensures compliance in the case of an Indian child and prevents the practitioners from overlooking it.

## Handbook Sections 35049(b)(1) through 35049(b)(1)(C) (Repeal)

### Specific Purpose/Factual Basis:

These handbook sections are repealed because they are being adopted as regulations.

## Sections 35049(b)(1) through 35049(b)(1)(C)

### Specific Purpose:

These sections are adopted to specify when an adoption case record is established. This happens when: an agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a court orders termination of parental rights and refers the child for adoption planning; an agency accepts the completed and signed adoption application from a prospective adoptive parent or parents; and when an agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.

### Factual Basis:

These provisions were previously included in handbook. However, the inclusion of these provisions in regulation is necessary to ensure that adoption agencies using the regulations have clear requirements as to when an adoption case record is established. This will ensure that, statewide, adoption case records are created on a consistent basis and that the records contain similar information for all adoptees, birth parents, and adoptive parents. Further, it is important that the identified records establish the adoption case record in order to safeguard their confidentiality under section 35049(b).

Section 35049(b)(1)(D)

Specific Purpose/Factual Basis:

This section is adopted to clarify that any documents submitted to facilitate the adoption of a child establishes the creation of an adoption case record.

Section 35049(c)

Specific Purpose:

This section is amended to clarify who is responsible in releasing information from an adoption case record.

Factual Basis:

This amendment is necessary to provide clarity regarding when an agency is responsible for releasing information from the adoption case record.

Section 35049(c)(1)(A) (Renumbered from Section 35049(c)(1)(B))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35049(c)(1)(B) to Section 35049(c)(1)(A) to accommodate the restructuring of this section and has no regulatory impact.

Handbook Section 35049(c)(1)(A)1.

Specific Purpose/Factual Basis:

This handbook section is amended to add the word "form" to clarify the "Statement of Understanding" is a form. The number of this handbook section (1). is deleted. From now on, handbook sections will not be numbered.

Section 35049(c)(1)(B) (Renumbered from Section 35049(c)(1)(C))

Specific Purpose/Factual Basis:

This section is renumbered from Section 35049(c)(1)(C) to Section 35049(c)(1)(B) to accommodate the restructuring of this section and has no regulatory impact.

Section 35049(c)(2)(A)

Specific Purpose:

This section is adopted to clarify the limitations of releasing information from the adoption case record.



Factual Basis:

This section is necessary to clarify statutory limitations on the release of information pursuant to Civil Code section 1798.24(q), that any information released not include or reveal the identity of the natural parents. The inclusion of this provision in these regulations will clarify for users of the adoptions regulations and the public one of the limitations to accessing information from the adoption case record.

Section 35049(c)(3)

Specific Purpose/Factual Basis:

This section is amended to make minor editorial changes which have no regulatory effect.

Section 35049(c)(3)(A)

Specific Purpose:

This section is adopted to clarify the limitations of releasing information from the adoption case record.

Factual Basis:

This section is necessary to clarify statutory information from Civil Code section 1798.24(r), that any medically necessary information released not include or reveal the identity of the natural parents. The inclusion of this provision in these regulations will clarify for users of the adoptions regulations and the public one of the limitations to accessing information from the adoption case record.

Section 35049(c)(4)

Specific Purpose:

This section is adopted to cross reference FC section 9202 which lists other instances where the law allows the release of medical information from an adoption case record.

Factual Basis:

This section is necessary because FC section 9202 includes other instances where the law allows the release of medical information from an adoption case record. The inclusion of this provision in these regulations will clarify for users of the adoptions regulations and the public an additional basis upon which the agency may release information from the adoption case record.

#### Section 35049(c)(5) (Renumbered from Section 35049(c)(4))

##### Specific Purpose/Factual Basis:

This section is amended to update cross references. This update is necessary to inform the reader of the correct statutory information. It is also renumbered from Section 35049(c)(4) to Section 35049(c)(5) to accommodate the addition of new Section 35049(c)(4). These amendments have no regulatory impact.

#### Handbook Section 35049(d)(1) (Repeal)

##### Specific Purpose/Factual Basis:

This handbook section is repealed.

#### Title Section 35050

##### Specific Purpose/Factual Basis:

The title of this section is amended to clarify the regulations within it address providing updated medical information to adoptive parents after the adoption is finalized.

#### Section 35050

##### Specific Purpose/Factual Basis:

This section is amended for clarity by making grammatical corrections. Also, Section 35050(a)(3) is renumbered to (a)(1) to close a gap in the numbering and therefore Sections 35050(a)(3)(A) through (D)2. are now 35050(a)(1)(A) through (D)2. These nonsubstantive amendments have no regulatory impact. Renumbered Section 35050(a)(1)(B) is amended to clarify the agencies requirement of fully disclosing of all medical and family background information received from the birth parents.

#### Section 35051

##### Specific Purpose/Factual Basis:

This section is amended for clarity by making grammatical and clarifying corrections. Also, Section 35051(a)(2) is renumbered to (a)(1) to close a gap in the numbering and therefore Sections 35051(a)(2) through (a)(6) are now 35051(a)(1) through (a)(5). Cross references are updated in Section 35051(b). These nonsubstantive amendments have no regulatory impact. Renumbered Section 35051(a)(2) is amended to clarify the agencies requirement of fully disclosing all the medical and family background information about the adoptee and his or her birth parent(s) that are in the possession of the agency and permitted by this section.

#### Section 35053(a) and Handbook

##### Specific Purpose:

This specific purpose of this section is to refer the reader to Subchapter 8 for additional procedures for a child subject to the provision of ICWA. The handbook section is repealed since it is being adopted as regulation.

##### Factual Basis:

This section is necessary because children that are subject to ICWA must also follow the procedures included in Subchapter 8. Otherwise, the adoption cannot be properly completed. It is also necessary to adopt this section in regulations because handbook is not regulatory and having this regulation ensures compliance in the case of an Indian child and prevents the practitioners from overlooking it.

#### Section 35055(a) and Handbook

##### Specific Purpose:

This specific purpose of this section is to refer the reader to Subchapter 8 for additional procedures for a child subject to the provision of ICWA. The handbook section is repealed since it is being adopted as regulation.

##### Factual Basis:

This section is necessary because children that are subject to ICWA must also follow the procedures included in Subchapter 8. Otherwise, the adoption cannot be properly completed. It is also necessary to adopt this section in regulations because handbook is not regulatory and having this regulation ensures compliance in the case of an Indian child and prevents the practitioners from overlooking it.

#### Section 35059(a) and Handbook

##### Specific Purpose:

This specific purpose of this section is to refer the reader to Subchapter 8 for additional procedures for a child subject to the provision of ICWA. The handbook section is repealed since it is being adopted as regulation.

##### Factual Basis:

This section is necessary because children that are subject to ICWA must also follow the procedures included in Subchapter 8. Otherwise, the adoption cannot be properly completed. It is also necessary to adopt this section in regulations because handbook is not regulatory and having this regulation ensures compliance in the case of an Indian child and prevents the practitioners from overlooking it.

#### Section 35061(a)

##### Specific Purpose/Factual Basis:

The specific purpose of this editorial change is to lower case the letter "S" in the word "section." This change has no substantive effect.

#### Section Title 35063

##### Specific Purpose/Factual Basis:

This section title is amended to clarify that the disclosure of information addressed in this section is to a sibling.

#### Section 35063(a)

##### Specific Purpose:

This section is amended to repeal the age requirement and the term biological as those terms are no longer valid. Additional information is included to clarify where the waiver forms are to be filed.

##### Factual Basis:

It is necessary to repeal the age requirement in this section to be consistent FC section 9205 and with proposed new sections 35063(a)(1) and (2). AB 2488 (Chapter 386, Statutes of 2006) lowered the age of consent from 21 to 18 years of age for a sibling to file a "waiver" form. The term "biological" is repealed as this section applies to any sibling. Contact may be arranged between siblings separated by adoption only if each has filed a waiver form with CDSS or the adoption agency.

#### Section 35063(a)(1)

##### Specific Purpose:

This section is adopted to require any sibling or adoptee who has attained the age 18 to complete and file waiver form AD 904A when requesting the disclosure of information of a sibling.

##### Factual Basis:

This section is necessary to clarify that the form AD 904A is to be filed with CDSS or adoption agency when a sibling or adoptee who is over the age of 18 is requesting the disclosure of information of a sibling which is consistent with FC section 9205. This provision will ensure that the necessary waiver of rights to confidentiality form is included in the adoption case record and is available from the adoption agency.

#### Section 35063(a)(2)

##### Specific Purpose:

This section is adopted to require any sibling or adoptee under the age of 18 to complete and file the waiver form AD 904B when requesting the disclosure of information of a sibling.

##### Factual Basis:

AB 2488 (Chapter 386, Statutes of 2006) (FC section 9205) permits siblings under 18 years of age who were separated by adoption to submit a waiver form with the consent of their birth parent, adoptive parent, legal parent, guardian, or the dependency court under specific circumstances. Form AD 904B (Waiver of Rights to Confidentiality for Siblings—Under the Age of 18) was created to accommodate this new law. Contact may be arranged between adoptees/siblings under 18 years of age with the consent of their birth parent, adoptive parent, legal parent, guardian, or dependency court only if each has completed the waiver form AD 904B. This provision will ensure that the necessary waiver of rights to confidentiality form is included in the adoption case record and is available from the adoption agency.

#### Section 35063(a)(2)(A)

##### Specific Purpose:

This section is adopted to give clear direction about the requirements of having the adoptive parent, birth parent, or legal parent or guardian consent for a sibling under 18 years of age who has completed the waiver form AD 904B.

##### Factual Basis:

This section is necessary to ensure that the adoptive parent, birth parent, or legal parent or guardian's consent has been obtained before information is released to a sibling or adoptee who is under the age of 18. This provision is adopted in compliance with FC 9205. This provision will ensure that the necessary waiver of rights to confidentiality form is included in the adoption case record and is available from the adoption agency.

#### Section 35063(a)(2)(B)

##### Specific Purpose:

The section is adopted to clarify the requirement for a sibling who is under the jurisdiction of the dependency court and has no parent or guardian able or available to provide consent, the dependency court may provide consent on the form AD 904B.

Factual Basis:

This section is necessary to comply with FC section 9205(f) which specifies that if the sibling is under the jurisdiction of the dependency court and has no legal parent or guardian able or available to provide consent, the dependency court may provide that consent. This provision will ensure that the necessary waiver of rights to confidentiality form is included in the adoption case record and is available from the adoption agency.

Section 35063(a)(2)(C)

Specific Purpose:

The section is adopted to clarify that the waiver form AD 904B will remain in effect after the sibling turns 18 years of age unless the waiver is rescinded.

Factual Basis:

This section is necessary to specify that the waiver form completed prior to turning 18 years of age, will remain in effect after the minor turns 18 unless it is rescinded by providing a written notice to CDSS or adoption agency. This section is consistent with FC section 9205.

Section 35063(b)

Specific Purpose:

This section is adopted to indicate that documentation establishing the sibling relationship must be attached to the waiver form. This section is also adopted as an introduction to the list of documentation accepted for establishing sibling relationship.

Factual Basis:

This section is necessary for clarity. It serves as an introduction to the documentation accepted by CDSS or adoption agency to prove sibling relationship in order to release confidential information.

Section 35063(b)(1)

Specific Purpose:

This section is adopted to indicate a birth certificate of the adoptee or sibling is documentation that establishes the relationship between the siblings is that of a biological or half sibling.

Factual Basis:

This section is necessary to provide the public clarification of the type of documentation that is required to establish sibling relationship. This will ensure statewide uniformity when adoptees and their siblings seek to establish the relationship for the agency and exchange information.

Section 35063(b)(2)

Specific Purpose:

This section is adopted to indicate a birth certificate of the adoptee or sibling and the marriage certificate or divorce decree of the marriage between the birth parent and the step-parent is documentation that establishes the relationship between the siblings is that of a step-sibling.

Factual Basis:

This section is necessary to provide the sibling or adoptee clarification of the required documentation that is required to establish step-sibling relationship. This will ensure statewide uniformity when adoptees and their step-siblings seek to establish the relationship for the agency and exchange information.

Section 35063(c) through (c)(1)(C) (Renumbered from Section 35063(a)(3) through (a)(3)(A)3.)

Specific Purpose/Factual Basis:

Section 35063(c) (formerly 35063(a)(3)) is amended to repeal the term "biological" as the section applies to all siblings including step-siblings, in compliance with FC 9205(h). These sections are also renumbered from Sections 35063(a)(3)(A)3. to Sections 35063(c) through 35063(c)(1)(C) for clarity and ease of use.

Section 35063(c)(1)(D)

Specific Purpose:

This section is adopted to clarify that in cases involving a step-sibling, prior to releasing names and addresses of the adoptee or sibling, the agency must verify the documentation submitted, a copy of the birth certificate and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent.

Factual Basis:

This section is necessary to ensure that the step-sibling relationship is verified by the agency with a copy of the birth certificate and a copy of the marriage certificate

or divorce decree for marriage between birth parent and step-parent. This section is in compliance with FC section 9205.

Sections 35063(a)(4) through 35063(a)(4)(B) (Repeal)

Specific Purpose/Factual Basis:

These sections are repealed. The pertinent portions of these sections were moved to Section 35063(a)(2)(A).

Section 35063(a)(4)(C) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed, this information was moved to section 35063(b) and reworded for clarity.

Sections 35063(a)(4)(D) through 35063(a)(5) (Repeal)

Specific Purpose/Factual Basis:

These sections are repealed. The pertinent portions of these sections were moved to Section 35063(a).

Handbook Section 35063(a)(5)(B) (Repeal)

Specific Purpose/Factual Basis:

This handbook section is repealed. The relevant information from this section is adopted into regulation section 35063(h).

Section 35063(d)

Specific Purpose:

This section is adopted to inform the reader that CDSS or the adoption agency will review the adoption case record to determine if any other waiver form has been submitted. This will ensure statewide uniformity in agency practice when adoptees and their siblings seek to exchange information.

Factual Basis:

This section is necessary to ensure when CDSS or the adoption agency receive any sibling waiver form, they determine if any other waiver forms have been submitted.



#### Section 35063(d)(1)

##### Specific Purpose:

This section is adopted to inform the reader that if both siblings have submitted waiver forms, CDSS or the adoption agency will release to each sibling their name and address.

##### Factual Basis:

This section is necessary to clarify that CDSS or the adoption agency will release the name and address to siblings only when the agency has verified that both siblings have submitted waiver forms. This will ensure statewide uniformity when adoptees and their siblings seek to establish the relationship for the agency and exchange information. This also protects the confidentiality of adoptees and adoption case records.

#### Section 35063(d)(2)

##### Specific Purpose:

This section is adopted to inform the reader that CDSS or the adoption agency shall inform the adoptee or sibling that have submitted the required waiver, that no other waiver is on file and the form will be kept in the adoption case record.

##### Factual Basis:

This section is necessary to ensure that the CDSS or the adoption agency will not release information in the event that the adoption case record does not contain waiver forms executed by both siblings and that the CDSS or adoption agency informs the sibling or adoptee of the inability to release information. This section is also necessary to ensure that siblings or adoptees are informed that their waiver form will be kept in the adoption case record. This will ensure statewide uniformity when adoptees and their siblings seek to and exchange information and will protect the confidentiality of adoptees and adoption case records in the event that necessary waivers are not contained in the adoption case record.

#### Section 35063(d)(2)(A)

##### Specific Purpose:

This section is adopted to notify CDSS or the adoption agency of the requirement to inform the adoptee or sibling of the availability of a confidential intermediary when the adoptee or sibling has submitted the only waiver in the adoption case record and provide them with the location of the Superior court where a petition can be filed.

Factual Basis:

This section is necessary so that the adoptee and sibling are aware of the confidential intermediary program pursuant to FC section 9205(g). Given that there are circumstances in which an adoptee or sibling seeks information about a sibling but no waiver is on file, information about a confidential intermediary may be the only avenue for the individual to establish contact with their sibling.

Section 35063(e)

Specific Purpose:

This section is adopted to clarify that CDSS or the adoption agency cannot solicit the execution of any waiver form unless ordered by the court.

Factual Basis:

This section is necessary to prohibit the CDSS or the adoption agency to solicit any waiver forms. Given the sensitive nature of adoptions and contact after option, it is important that individuals are not solicited or persuaded to sign a waiver when he or she is not willing or ready to do so. This provision ensures that these sensitive matters are treated appropriately.

Section 35063(f) (Renumbered from 35063(a)(5)(A))

Specific Purpose/Factual Basis:

This section is renumbered from 35063(a)(5)(A) to 35063(f) and amended to clarify that any waiver form submitted prior to the form AD 904A, need to be resubmitted on the appropriate waiver form.

Section 35063(g)

Specific Purpose:

This section is adopted to notify the adoptee or sibling of the right to revoke the waiver forms at any time by giving written notice to CDSS or the adoption agency.

Factual Basis:

This section is necessary to inform the adoptee or sibling that they may revoke the waiver forms at any time by providing a written notice to CDSS or the adoption agency. This section is in compliance with FC section 9205.

#### Section 35063(h)

##### Specific Purpose:

This section is adopted to allow CDSS or adoption agencies the ability to charge a fee, not to exceed \$50 dollars, for providing the services described in this section, Disclosure of Information to a Sibling.

##### Factual Basis:

This section is necessary to clarify that CDSS or adoption agency are able to charge a fee for providing the services described in this section. This section is in compliance with FC section 9205 and it was originally included in Handbook Section 35063(a)(5)(B).

#### Section 35063(i)

##### Specific Purpose/Factual Basis:

This section is adopted and is necessary to clarify that, for this section, "sibling" means the biological sibling, half-sibling or step-sibling of the adoptee.

#### Section 35065(a) and Handbook

##### Specific Purpose:

This specific purpose of this section is to refer the reader to Subchapter 8 for additional procedures for a child subject to the provision of ICWA. The handbook section is repealed since it is being adopted as regulation.

##### Factual Basis:

This section is necessary because children that are subject to ICWA must also follow the procedures included in Subchapter 8, otherwise, the adoption cannot be properly completed. It is also necessary to adopt this section in regulations because handbook is not regulatory and having this regulation ensures compliance in the case of an Indian child and prevents the practitioners from overlooking it.

#### Section 35078(a)

##### Specific Purpose:

This section is adopted to provide guidance regarding the process which an individual may apply to become an adoption facilitator. CDSS uses the application process as a means to determine if the applicant meets all requirements to facilitate adoptions in California.

Factual Basis:

This section is necessary to provide clarity and a detailed process that adoption facilitators must complete prior to doing business as an adoptions facilitator in California. Further, FC section 8632.5, subdivision (a) requires, in part, the Department to adopt regulations for statewide registration for adoption facilitators.

Section 35078(a)(1)

Specific Purpose:

This section is adopted to establish the requirements the adoption facilitator must meet and the documents that must be submitted to the Department to do business as an adoptions facilitator in California.

Factual Basis:

This section is necessary to provide clarity and consistency for the requirements for individuals who desire to register as adoption facilitators with California, as stated in FC sections 8632.5 and 8636.

Section 35078(a)(1)(A)

Specific Purpose:

This section is adopted to require an individual seeking to register as an adoption facilitator to complete the Adoption Facilitator Registry Application. The form is incorporated by reference - form AD 70 (Adoption Facilitator Registry Application). Form AD 70 is required and no substitutes are permitted.

Factual Basis:

This section is necessary for prospective adoption facilitators to provide detailed background history, education and work experience prior to being registered to facilitate adoptions in California.

Moreover, form AD 70 is necessary for consistency and uniformity in the process of the adoption facilitator program. The purpose of this form is to collect relevant information required by FC section 8632.5, subdivision (d), in order, ultimately, to determine whether an application of a person seeking to register as an adoption facilitator should be approved or denied.

Form AD 70 is incorporated by reference and is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35078(a)(1)(B)

##### Specific Purpose:

This section is adopted to require a person seeking to become an adoption facilitator to submit a form of identification to determine the prospective adoption facilitator's identity.

##### Factual Basis:

This section is necessary to ensure that a person seeking to become an adoption facilitator can provide a valid form of identification in order to prove identity. Further, FC section 8632.5, subdivision (d)(4) requires the adoption facilitator submit a copy of a valid, current government-issued identification. Two examples of such an identification are offered in the regulation to assist the public and users of the regulations.

#### Section 35078(a)(1)(C)

##### Specific Purpose:

This section is adopted to require a person seeking to become an adoption facilitator to submit proof of a business license to CDSS.

##### Factual Basis:

This section is necessary to ensure that the business license requirement is met in all instances. The business license identifies the business name, address, city, and state, and allows the adoption facilitator to conduct business in a specific geographical location. Further, FC section 8632.5, subdivision (d)(3) requires, an adoption facilitator to submit a valid business license as a condition of registration.

#### Section 35078(a)(1)(D)

##### Specific Purpose:

This section is adopted to establish persons seeking to register as adoption facilitators must file with CDSS a surety bond.

##### Factual Basis:

This section is necessary to clarify the surety bond requirement. The adoption facilitator is required to purchase a surety bond prior to engaging in business. The surety bond covers any damages client(s) incur during business with the adoption facilitator, pursuant to FC section 8636.

#### Section 35078(a)(1)(E)

##### Specific Purpose:

This section is adopted to establish the requirement that the adoption facilitator must provide proof of education and adoption experience.

##### Factual Basis:

This section is necessary to ensure that the adoption facilitator satisfies the education and experience requirements. The adoption facilitator is required to provide proof of completion of two-years of college coursework focusing on social work or a related field, consistent with FC section 8632.5, subdivision (d)(1). Requiring proof of education through transcripts ensures that all adoption facilitators are held to the same standard when evaluating educational experiences. Requiring the adoption facilitator to submit information regarding adoption-related experience is necessary to ensure that the facilitator has the work history necessary to do business as an adoption facilitator.

#### Section 35078(a)(1)(F)

##### Specific Purpose:

This section is adopted to specify the adoption facilitator is to complete and sign an affidavit statement of any conviction (Form LIC 508A – Criminal Record Statement), through which the adoption facilitator discloses any criminal record. Form LIC 508A is incorporated by reference, is required and no substitutes are permitted.

##### Factual Basis:

This section is necessary to require the prospective adoption facilitator to disclose any criminal conviction. The completion of this form ensures that the self-report of any criminal background be collected for all persons registered as adoption facilitators, consistent with FC section 8632.5, subdivision (b). This self-report background can be compared to the finger-print based background check to ensure frankness of the adoption facilitator in the registry process.

#### Section 35078(a)(1)(G)

##### Specific Purpose:

This section is adopted to specify the adoption facilitator complete live scan fingerprints. Form LIC 9163 is incorporated by reference, is required and no substitutes are permitted.

Factual Basis:

This section is necessary to ensure that the adoption facilitator submits to a criminal background clearance (Form LIC 9163 – Live Scan (fingerprints)). Further, this section is necessary to ensure compliance with FC section 8632.5, subdivision (d)(5), which requires fingerprint images to be submitted for a background check to be used in determining as a condition of registration.

Section 35078(a)(1)(H)

Specific Purpose:

This section is adopted to require a non-refundable annual registration fee of \$250.00.

Factual Basis:

This section is necessary to recover the cost associated with this program. FC section 8632.5, subdivision (e)(5) requires the Department to charge a fee sufficient to cover the costs of processing requests for registration as an adoption facilitator. FC section 8632.5, subdivision (h) permits the Department to charge an annual filing fee to recover all costs associated with the requirements of the adoption facilitator program. The fee of \$250 per facilitator partially covers the costs of the time and workload of an analyst. The analyst reviews and process all initial applications and annual updates for facilitators and trainees, distributes approval or disapproval letters, maintains the facilitator registry on the CDSS website, and facilitates all incoming questions and complaints.

Section 35078(a)(2)

Specific Purpose:

This section is adopted to establish the circumstances where and process through which the prospective adoption facilitator can request a waiver of education and experience.

Factual Basis:

This section is necessary to provide clarity of the requirements the prospective adoption facilitator needs to meet in order to receive a waiver of education and experience requirements. Including these requirements in the regulations will ensure that prospective adoption facilitators and other users of the regulations understand the circumstances under which a waiver can be requested.

#### Section 35078(a)(2)(A)

##### Specific Purpose:

This section is adopted to require an adoption facilitator seeking to waive the education and experience requirement to submit proof of five years of work experience in providing direct adoption services.

##### Factual Basis:

This section is necessary to provide clarity that one condition of receiving an education and experience waiver is for the prospective adoption facilitator to provide proof of five years of work experience providing direct adoption services for a licensed adoption agency. This provision ensures that adoption facilitators seeking a waiver are required to show that they have the relevant background and work experience needed to be an adoption facilitator. FC section 8632.5, subdivision (d)(2)(A) permits an adoption facilitator to seek a waiver of the education and experience requirements based on specific factors.

#### Section 35078(a)(2)(B) through (a)(2)(B)3.

##### Specific Purpose:

These sections are adopted to establish the requirement that an adoption facilitator seeking to waive the educational and experience requirements submit three letters of support. Those letters of support must come from one of three specified groups of professionals.

##### Factual Basis:

This section is necessary to clarify the requirement that the prospective adoption facilitator must provide three letters of support as required in FC section 8632.5(d)(2)(A)(iii). Those letters must be from a representative of a licensed public or private adoption agency or a county adoption agency, from a member of the Academy of California Adoption Lawyers, and from CDSS.

#### Section 35078(a)(3)

##### Specific Purpose:

This section is adopted to specify that if evidence that the adoption facilitator has been found liable of malfeasance in connection with providing adoption services, the waiver request shall be denied.

##### Factual Basis:

This section is necessary because FC section 8632.5(d)(2)(A)(ii) prohibits the educational and experience requirements waiver be granted if an adoption



facilitator has been found liable of malfeasance in connection with providing adoption services. Adding this requirement to the regulations will ensure that both adoption facilitators and the public can easily locate and understand this requirement.

#### Section 35078(a)(4)

##### Specific Purpose:

This section is adopted to establish that Department will issue to the adoption facilitator applicant a letter of approval or disapproval.

##### Factual Basis:

This section is necessary to clarify that the Department will provide the prospective adoption facilitator a letter of approval if all requirements are met or a letter of disapproval if all requirements have not been met, consistent with FC section 8632.5, subdivision (b). This ensures clarity of the Department's process, which protects the interests of the adoption facilitator and the public.

#### Section 35078(a)(4)(A)

##### Specific Purpose:

This section is adopted to establish the meaning of the letter of approval.

##### Factual Basis:

This section is necessary to provide the meaning for the letter of approval that will be sent to a prospective adoption facilitator. The letter of approval verifies that all the requirements necessary to become an adoption facilitator have been met and the individual may operate as an adoption facilitator, consistent with FC section 8632.5, subdivision (b).

#### Section 35078(a)(4)(B)

##### Specific Purpose:

This section is adopted to establish the meaning of the letter of disapproval.

##### Factual Basis:

This section is necessary to provide the meaning for the letter of disapproval that will be sent to a prospective adoption facilitator. The letter of disapproval verifies that the applicant is not approved to operate as an adoption facilitator until all requirements have been met, consistent with FC section 8632.5, subdivision (b). This provision ensures proper documentation has been provided to an applicant

who seeks to become an adoption facilitator but has not meet the legal requirements.

#### Sections 35078(b)

##### Specific Purpose:

This section is adopted to establish that once the Department determines that the applicant meets the requirements of subdivision (a)(1), the facilitator will be added to the Department of Social Services Adoption Facilitator Registry website.

##### Factual Basis:

This section is necessary to provide clarity and consistency for the requirements for adoption facilitators to remain on, or be removed from, the Adoption Facilitator Registry, consistent with FC section 8632.5, subdivision (b). The Registry is a tool through which members of the public can verify that an individual reporting to be an adoption facility can legally act as such. This provision is necessary to protect the public from persons seeking to offer adoption-related services without proper authorization.

#### Section 35078(c)

##### Specific Purpose:

This section is adopted to provide guidance regarding the process which adoption facilitators must follow to register an adoption facilitator trainee.

##### Factual Basis:

This section is necessary to specify that a trainee may provide adoption services without meeting the requirements of an adoption facilitator, but only when he or she is directly supervised by someone who meets all the adoption facilitator registration requirements. CDSS uses the application process as a means to determine if the applicant meets all requirements to work as a trainee under the adoptions facilitator in California. This process protects the public by ensuring that adoption facilitator trainees are properly operating under the direction of an adoption facilitator, have an appropriate background assessment, and are registered with the Department of Social Services, consistent with FC section 8632.5, subdivision (d)(2)(B).

#### Section 35078(c)(1)

##### Specific Purpose:

This section is adopted to provide guidance regarding the process which adoption facilitators must follow to register an adoption facilitator trainee.

Factual Basis:

This section is necessary to specify that a trainee may provide adoption services without meeting the requirements of an adoption facilitator, but only when he or she is directly supervised by someone who meets all the adoption facilitator registration requirements. This section is also necessary to ensure that the adoption facilitator under whom the trainee will be working submits all of the necessary documents to the CDSS. CDSS uses the application process as a means to determine if the applicant meets all requirements to work as a trainee under the adoptions facilitator in California. This process protects the public by ensuring that adoption facilitator trainees are properly operating under the direction of an adoption facilitator, have an appropriate background assessment, and are registered with the Department of Social Services, consistent with FC section 8632.5, subdivision (d)(2)(B).

Section 35078(c)(1)(A)

Specific Purpose:

This section is adopted to require the adoption facilitator to submit a completed form AD 71 (Adoption Facilitator Registry Trainee Application). The completion of this form provides education and employment history of the trainee seeking registration as an adoption facilitator trainee in California. Form AD 71 is required and no substitutes are permitted.

Factual Basis:

This section is necessary to collect education and employment history of persons seeking to be registered under the designation of adoption facilitator trainee in California. This section is consistent with Section 35078(a)(1)(A) as that section applies to adoption facilitators, consistent with FC section 8632.5, subdivision (d)(2)(B). The form AD 71 is necessary for consistency and uniformity in the process of the adoption facilitator program. Form AD 71 is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

Section 35078(c)(1)(B)

Specific Purpose:

This section is adopted to require a trainee to complete a live scan. Form LIC 9163 is required and no substitutes are permitted.

Factual Basis:

This section is necessary to comply with FC section 8632.5(d)(5) which specifies the need to fingerprint the trainee for a criminal background clearance. Further, this section is necessary to ensure that the adoption facilitator submits the proper form on behalf of the trainee to ensure the criminal background checks is completed.

Form LIC 9163 is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35078(c)(1)(C)

##### Specific Purpose:

This section is adopted to require a trainee to complete and sign an affidavit statement of any conviction (Form LIC 508A – Criminal Record Statement), through which the trainee discloses any criminal record. Form LIC 508A, incorporated by reference, is required and no substitutes are permitted.

##### Factual Basis:

This section is necessary to require a prospective trainee to disclose any criminal conviction. The completion of this form ensures that the self-report of any criminal background be collected for all persons registered as adoption trainees. This self-report background can be compared to the finger-print based background check to ensure frankness of the trainee in the registry process, consistent with FC section 8632.5, subdivision (d)(2)(B). Form LIC 508A is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35078(c)(2)

##### Specific Purpose:

This section is adopted to establish that the Department will issue letters of approval or disapproval for trainees.

##### Factual Basis:

This section is necessary to clarify that the Department will provide the trainee a letter of approval if all requirements are met or a letter of disapproval if all requirements have not been met, consistent with FC section 8632.5, subdivision (d)(2)(B). This ensures clarity of the Department's process, which protects the interests of the adoption facilitator, the trainee, and the public.

#### Section 35078(c)(2)(A)

##### Specific Purpose:

This section is adopted to establish the meaning of the letter of approval for the applicant trainee.

Factual Basis:

This section is necessary to clarify the meaning of a letter of approval the trainee may receive. The approval letter signifies that the trainee has met all necessary requirements and is approved to operate under the adoption facilitator as a trainee, consistent with FC section 8632.5, subdivision (d)(2)(B).

Section 35078(c)(2)(B)

Specific Purpose:

This section is adopted to establish the meaning of the letter of disapproval for the applicant trainee.

Factual Basis:

This section is necessary to clarify the meaning of a letter of disapproval the trainee may receive. The disapproval letter signifies that the trainee has not met all necessary requirements and is not approved to operate under the adoption facilitator until all requirements have been met, consistent with FC section 8632.5, subdivision (d)(2)(B). This provision ensures proper documentation has been provided to an adoption facilitator regarding an individual who seeks to become a trainee but has not meet the legal requirements.

Section 35078(d)

Specific Purpose:

This section is adopted to establish the requirements the adoption facilitator must disclose and provide to birthparents, prospective adoptive parents and the court.

Factual Basis:

This section is necessary to provide clarity and consistency for the requirements for adoption facilitators of California, as stated in FC sections 8632.5 and 8636. Adding these requirements to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand specific obligations of the adoption facilitators.

Section 35078(d)(1)

Specific Purpose:

This section is adopted to ensure the adoption facilitators disclose that they are not a licensed adoption agency.

Factual Basis:

This section is necessary to ensure that the adoption facilitators disclose to all birthparents and prospective adoption parents that they are not a licensed adoption agency in the first oral communication in which there is a description of services. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand the obligation of the adoption facilitators to disclose that the adoption facilitator is not a licensed adoption agency.

Section 35078(d)(2)

Specific Purpose:

This section is adopted to establish the adoption facilitators obtain authorization when working on behalf of both the birthparent and adoptive parents.

Factual Basis:

This section is necessary to ensure that the adoption facilitators obtain a signed written agreement from both parties, when acting on behalf of the birthparent and adoptive parent. This written agreement authorizes the facilitator to act on behalf of both parties, consistent with FC section 8627. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand the need of the adoption facilitators to obtain signed, written agreements when working on behalf of both birthparents and adoptive parents.

Section 35078(d)(3)

Specific Purpose:

This section is adopted to establish the adoption facilitators disclose information regarding a particular child to a prospective adoptive parent.

Factual Basis:

This section is necessary to ensure that the adoption facilitators provide prospective adoptive parents with a written report of all information received from the birthparent regarding a child, consistent with FC section 8628. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand the obligation of the adoption facilitators to disclose information about a child who is being considered for adoption.

Section 35078(d)(4)

Specific Purpose:

This section is adopted to establish the adoption facilitators provide the birthparent and adoptive parents with a contract.

Factual Basis:

This section is necessary to ensure that the adoption facilitators provide all parties with a written contract, consistent with FC section 8629. The adoption facilitator shall also explain the contract verbally to all parties. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand specific obligation of the adoption facilitators.

Section 35078(d)(4)(A)

Specific Purpose:

This section is adopted to clarify the contract may be revoked for a period of 72 hours after signing the contract.

Factual Basis:

This section is necessary to ensure that the written contract can be revoked within 72 hours by the birthparent or prospective adoptive parent, consistent with FC section 8629. If the contract is revoked, the birthparent or adoptive parent may request the return of fees provided to the adoption facilitator. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand the ability to revoke the contract.

Section 35078(d)(5)

Specific Purpose:

This section is adopted to establish the adoption facilitators report collected fees to the court.

Factual Basis:

This section is necessary to ensure that the adoption facilitator shall report any fees collected during their services to the court, consistent with FC section 8630. Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand this requirement.

Section 35078(e)

Specific Purpose:

This section is adopted to identify activities in which adoption facilitators are prohibited to practice.

Factual Basis:

This section is necessary to provide clarity and consistency of the restrictions for adoption facilitators of California, as stated in FC sections 8632.5 and 8636. Adding these requirements to the regulations will ensure that adoption facilitators and other users of these regulations clearly understand specific limitations on their practice.

Section 35078(e)(1)

Specific Purpose:

This section is adopted to prohibit an adoption facilitator from misleading a person to believe that the adoption facilitator is a licensed adoption agency.

Factual Basis:

This section is necessary to ensure that the adoption facilitator does not mislead an individual to believe they are a licensed adoption agency, consistent with FC section 8625, subdivision (a). This section also complements section 35078(d)(1), which requires the adoption facilitator to disclose that he or she is not a licensed adoption agency. These provisions ensure that adoption facilitators and other users of these regulations clearly understand specific limitations on the practice of an adoption facilitator.

Section 35078(e)(2)

Specific Purpose:

This section is adopted to ensure the adoption facilitator not represent him or herself as able to provide services for which they are not properly licensed.

Factual Basis:

This section is necessary to ensure that the adoption facilitator shall not mislead any person that he or she has the ability to provide services for which the adoption facilitator is not properly licensed, consistent with FC section 8625, subdivision (b). Adding this requirement to the regulation serves to protect the public by ensuring that adoption facilitators clearly understand specific limitations on their practice.

Section 35078(e)(3)

Specific Purpose:

This section is adopted to prohibit the adoption facilitator from using photolisting of minor children to advertise for placement in adoption.



Factual Basis:

This section is necessary to ensure the adoption facilitator is prohibited from utilizing photolistings of minor children when advertising for adoptions placement, consistent with FC section 8625, subdivision (c). Adding this requirements to the regulation serves to protect the public by ensuring that adoption facilitators clearly understand specific limitations on their practice.

Section 35078(e)(4)

Specific Purpose:

This section is adopted to prohibit the adoption facilitator from posting specific information about a particular child in any advertising.

Factual Basis:

This section is necessary to ensure the adoption facilitator is prohibited from posting specific information of minor children who are available for adoption placement in advertising, consistent with FC section 8625, subdivision (d). Adding this requirements to the regulations serve to protect the public by ensuring that adoption facilitators clearly understand specific limitations on their practice.

Section 35078(f)

Specific Purpose:

This section is adopted to establish the adoption facilitators' annual renewal process. Specifically, this section requires an adoption facilitator to submit, on an annual basis, the annual fee and evidence of a current surety bond as well as evidence of a business license.

Factual Basis:

This section is necessary to ensure that the requirements that the adoption facilitator submit an annual fee of \$250 and evidence of current surety bond and business license are clear and known to all users of adoption regulations, including facilitators and members of the public, consistent with FC section 8632.5 subsection (b), subsection (i) and FC section 8636.

Section 35078(f)(1)

Specific Purpose:

This section is adopted to establish the adoption facilitators' annual renewal process. Specifically, this section requires an adoption facilitator to submit, on an annual basis, the annual fee and evidence of a current surety bond as well as evidence of a business license.

Factual Basis:

This section is necessary to ensure that the requirements that the adoption facilitator submit an annual fee of \$250 and evidence of current surety bond and business license are clear and known to all users of adoption regulations, including facilitators and members of the public, consistent with FC section 8632.5, subsection (b), subsection (i) and FC section 8636.

Section 35078(f)(2)

Specific Purpose:

This section is adopted to establish the result if the adoption facilitator fails to submit the annual renewal requirements.

Factual Basis:

This section is necessary to put the adoption facilitator and the public on notice that the adoption facilitator will be removed from the CDSS Registry of California Adoption Facilitators if the annual renewal requirements are not met. This regulation protects the public by restricting the adoption facilitator's registration when he or she does not comply with the annual renewal requirements, consistent with FC section 8632.5, subsection (b).

Section 35078(g)

Specific Purpose:

This section is adopted to establish the requirements that the adoption facilitator maintain an up-to-date surety bond with CDSS.

Factual Basis:

This section is necessary to clarify the requirement that the adoption facilitator must maintain a surety bond with CDSS as required by FC sections 8632.5(a) and 8636(d). Further, these sections are necessary to clarify the consequences of not maintaining a surety bond and the process through which an adoption facilitator who has failed to maintain a surety bond may be returned to the registry.

Section 35078(g)(1)

Specific Purpose:

This section is adopted to establish the requirements that the adoption facilitator maintain an up-to-date surety bond in the amount of twenty-five thousand dollars (\$25,000), payable to the people of the State of California.

Factual Basis:

This section is necessary to establish the need of the adoption facilitator to keep and maintain a surety bond with CDSS as required by FC section 8632.5, subsection (a) and section 8636, subsections (a), (b), (c) and (d). Adding this requirement to the regulations serves to protect the public by ensuring that each adoption facilitator maintains a proper surety bond.

Section 35078(g)(2)

Specific Purpose:

This section is adopted to establish the adoption facilitator's failure to maintain an up-to-date surety bond with CDSS will result in the facilitator's removal from the Registry of California Adoption Facilitators.

Factual Basis:

This section is necessary to establish the need of the adoption facilitator to keep and maintain a surety bond with CDSS as required by FC sections 8632.5(a) and 8636(d). This section ensures clarity of the Department's process and protects the interests of the public by removing any adoption facilitator from the registry if he or she has not maintained a proper surety bond.

Section 35078(g)(3)

Specific Purpose:

This section is adopted to establish the requirements that CDSS will return the facilitator to the registry once the facilitator provides proof of the appropriate surety bond provided all other requirements continue to be met.

Factual Basis:

This section is necessary to clarify the process through which an adoption facilitator who has failed to maintain a surety bond may be returned to the registry, as required by FC sections 8632.5(a) and 8636(d). This section ensures clarity of the Department's process and protects the interests of the adoption facilitator and the public by including only those adoption facilitators who maintain a proper surety bond on the adoption facilitator registry.

Sections 35078(h)

Specific Purpose:

This section is adopted to establish the requirements that the adoption facilitator maintain an up-to-date business license with CDSS and the result when they fail to meet this requirement. Also, when the adoption facilitator that has been taken out

of CDSS Registry of California Adoption Facilitators for lack of the appropriate business license, CDSS will return the facilitator to the registry once the facilitator provides proof of the appropriate business license provided all other requirements continue to be met.

Factual Basis:

This section is necessary to clarify the requirement that the adoption facilitator must keep and maintain a valid business license as required by FC section 8636, subsection (a). Further, these sections are necessary to clarify the consequences of not maintaining a valid business license and the process through which an adoption facilitator who has failed to maintain a surety bond may be returned to the registry.

Section 35078(h)(1)

Specific Purpose:

This section is adopted to establish the requirements that the adoption facilitator maintain an up-to-date business license with CDSS.

Factual Basis:

This section is necessary to establish the need of the adoption facilitator to keep and maintain a valid business license with the appropriate jurisdiction, as required by FC section 8636, subsection (a). Adding this requirement to the regulations serves to protect the public by ensuring that each adoption facilitator maintains a valid business license.

Section 35078(h)(2)

Specific Purpose:

This section is adopted to establish the requirements that the adoption facilitator will be removed from the Registry of California Adoption Facilitators, if they do not maintain an up-to-date business license with CDSS.

Factual Basis:

This section is necessary to establish the need of the adoption facilitator to keep and maintain a valid business license as consistent with FC section 8636, subsection (a) and FC section 8632.5, subsection (b). Failure to maintain an up-to-date business license, will result in the removal of the facilitator from the Registry of California Adoption Facilitators. This section ensures clarity of the Department's process and protects the interests of the public by removing any adoption facilitator from the registry if he or she has not maintained a valid business license.

### Section 35078(h)(3)

#### Specific Purpose:

This section is adopted to establish the requirements that CDSS will return the adoption facilitator to the Registry of California Adoption Facilitators, once the appropriate documentation has been submitted.

#### Factual Basis:

This section is necessary to establish the need of the adoption facilitator to keep and maintain a valid business license as required by FC section 8636(a). Further, these sections are necessary to clarify the consequences of not maintaining a valid business license and the process through which an adoption facilitator who has failed to maintain a current business license may be returned to the registry. This section ensures clarity of the Department's process and protects the interests of the adoption facilitator and the public by including only those adoption facilitators who maintain a valid business license on the adoption facilitator registry.

### Section 35078(i)

#### Specific Purpose:

This section is adopted to establish the penalty associated if an adoption facilitator acts in violation of applicable statutes and regulations.

#### Factual Basis:

This section is necessary to establish the civil penalty of \$100 per day for any adoption facilitator that is acting in violation of the criteria set forth by statute and these regulations, as required by FC section 8639, subsection (a).

### Section 35078(i)(1)

#### Specific Purpose:

This section is adopted to establish the penalty associated if an adoption facilitator acts in violation of the CDSS criteria.

#### Factual Basis:

This section is necessary to establish the civil penalty of \$100 per day for any adoption facilitator that is acting in violation of the criteria set forth by statute and these regulations, as required by FC section 8639, subsection (a). Adding this requirement to the regulations will ensure that adoption facilitators and other users of these regulations can easily locate and understand the consequences of failing to meet the legal requirements of the adoption facilitator.

#### Section 35078(j)

##### Specific Purpose:

This section is adopted to establish a process that any person(s) who is claiming to have been harmed by an adoption facilitator may file a complaint. CDSS shall review, document complaints, and send a response to the complainant regarding his or her concerns.

##### Factual Basis:

This section is necessary for CDSS to establish a means to receive and respond to complaints against an adoption facilitator. Receiving all complaints on the Adoption Facilitators Complaint Form AD 72 ensures a simple and uniform process for individuals to make a complaint regardless of region. CDSS shall maintain a tracking system of public complaints against adoption facilitators, which shall enable CDSS to develop improved monitoring and responds to complaints. Any person aggrieved by an adoption facilitator shall receive a written response regarding CDSS review, consistent with FC section 8632.5, subsection (k).

#### Section 35078(j)(1)

##### Specific Purpose:

This section is adopted to describe, and to incorporate by reference, required form AD 72 (Adoption Facilitators Complaint). The purpose of this form is for persons to file a complaint against an adoption facilitator.

##### Factual Basis:

This section is necessary to require a complainant to complete and file form AD 72 to lodge the complaint against an adoption facilitator. This use of this form is necessary for consistency and uniformity in the process of the adoption facilitator program, consistent with FC section 8632.5, subsection (k). Form AD 72 is not printed in the regulations because it would be cumbersome and impractical; however, this form is readily available from the CDSS.

#### Section 35078(j)(1)(A)

##### Specific Purpose:

This section is adopted to require CDSS to review and document complaints received against an adoption facilitator.

Factual Basis:

This section is necessary to clarify for the public and for adoption facilitators that the CDSS will review the complaints received against an adoption facilitator, consistent with FC section 8632.5, subsection (k).

Section 35078(f)(1)(B)

Specific Purpose:

This section is adopted to require CDSS to forward the complaint to the appropriate adoption facilitator to review.

Factual Basis:

This section is necessary to clarify for the public and for adoption facilitators that the CDSS will forward the complaint to the appropriate adoption facilitator to review and respond to the complaint. Forwarding the complaint to the adoption facilitator permits the Department a process to gather more information about the case in order to assist, as appropriate, in the matter, consistent with FC section 8632.5, subsection (k).

Section 35078(j)(2)

Specific Purpose:

This section is adopted to give the adoption facilitator up to 30 days to respond to the complaint and to complete the Adoption Facilitator Response Form or provide written response to CDSS.

Factual Basis:

This section is necessary for CDSS to provide the adoption facilitator an opportunity to review the complaint within 30 days and submit a response to CDSS on the Adoption Facilitator Response Form or in a written instrument. This process ensures that the facilitator is made aware of complaints and is given the opportunity to address and present his or her side of the dispute to the CDSS for consideration, consistent with FC section 8632.5, subsection (k).

Section 35078(j)(2)(A)

Specific Purpose:

This section is adopted to require CDSS to forward the adoption facilitator's response to the complainant.

Factual Basis:

This section is necessary to require CDSS to review and forward the adoption facilitator's response to the complainant, consistent with FC section 8632.5, subsection (k). This process ensures that the complainant is made aware of the adoption facilitator's response to any complaint and that each party is aware of the other party's position and perspective.

Section 35078(j)(3)

Specific Purpose:

This section is adopted to require CDSS to inform the complainant of alternative remedies that are available if CDSS is unable to resolve the complaint.

Factual Basis:

This section is necessary to ensure that all available remedies are made known to the complainant if CDSS is unable to resolve their complaint. As specified in FC section 8638, available remedies include a civil action for damages, rescission, injunctive relief, or any other civil or equitable remedy. Some individuals or families making a complaint against a facilitator may not know that the remedies exist if CDSS does not inform them.

b) Identification of Documents Upon Which Department Is Relying

AB 1832 (Ch. 1062, Stats. of 1996) [FC section 7576];  
AB 2165 (Ch. 510, Stats. of 1996) [FC section 8811.5];  
SB 2035 (Ch. 1135, Stats. of 1996) [FC sections 8623, 8626, 8636 and 8638];  
SB 2157 (Ch. 930, Stats. of 2000) [FC section 8714.7];  
AB 2921 (Ch. 910, Stats. of 2000) [FC section 8714.7];  
AB 2433 (Ch. 937, Stats. of 2000) [FC sections 8801.3 and 9102];  
SB 104 (Ch. 688, Stats. of 2001) [FC sections 8801.3 and 8814.5];  
SB 182 (Ch. 251, Stats. of 2003) [FC section 8714.7 renumbered to FC section 8616.5]  
SB 947 (Ch. 469, Stats. of 2003) [FC section 8620];  
SB 1357 (Ch. 858, Stats. of 2004) [FC sections 7660.5, 8502 and 8802];  
AB 2488 (Ch. 386, Stats. of 2006) [FC section 9205];  
SB 678 (Ch. 838, Stats. of 2006) [FC sections 8606.5 and 8620];  
SB 1758 (Ch. 754, Stats. of 2006) [FC section 8632.5];  
AB 1279 (Ch. 759, Stats. of 2008) [FC section 8810];  
SB 1726 (Ch. 534, Stats. of 2008) [FC sections 7660.5, 8639 and 8814.5];  
AB 1325 (Chapter 287, Statutes of 2009) [W&IC section 366.24];  
AB 687 (Ch. 462, Stats. of 2011) [FC sections 7663 and 9102];  
AB 1712 (Chapter 846, Statutes of 2012) [W&IC section 366.3]  
AB 1757 (Ch. 638, Stats. of 2012) [FC section 8609.5];  
SB 1013 (Ch. 35, Stats. of 2012) [FC sections 8506, 8509, 8513, 8515, 8524, 8530, 8608 and 8620];



AB 848 (Ch. 743, Stats. of 2013) [FC section 8730];  
AB 1403 (Ch. 510, Stats. of 2013) [FC sections 7611 and 7661]; and  
AB 1701 (Ch. 763, Stats. of 2014) [FC section 8807]

c) Local Mandate Statement

These regulations do not impose a new mandate on local agencies or on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code because these regulations make clear existing practice and only make technical and clarifying changes.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives as there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that the proposed regulatory action primarily updates the regulations to be consistent with current law and does not create new obligations on the part of businesses. These proposed regulations have limited application, as they only affect adoption forms, definitions, and procedures.

f) Economic Impact Assessment [Government Code section 11346.3(b)]

In accordance with Government Code section 11346.3(b), CDSS has made the following assessments regarding the proposed regulations. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

Creation or Elimination of Jobs Within the State of California

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California because they incorporate into regulation existing state and federal law related to adoptions through either an agency, independent or intercountry adoption. Current regulations already require CDSS, county and licensed adoption agencies to provide adoption services of children who are

dependents of the juvenile court, relinquished or placed for adoption. As a result, CDSS has determined that these regulations will not have an impact on the creation or elimination of jobs in the State of California.

*Creation of New or Elimination of Existing Businesses Within the State of California*

The adoption of the proposed regulations will neither result in the creation of new businesses nor elimination of existing businesses in the State of California. The amended regulations incorporate existing state and federal law related to adoptions through either an agency, independent or intercountry adoption. Current regulations already require CDSS, county and licensed adoption agencies to provide adoption services of children who are dependents of the juvenile court, relinquished or placed for adoption. As a result, CDSS has determined that these regulations will not have an impact on the creation of new or elimination of existing businesses within the State of California.

*Expansion of Businesses Within the State of California*

The adoption of the proposed regulations will not result in the expansion of businesses in the State of California. The amended regulations incorporate existing state and federal law related to adoptions through either an agency, independent or intercountry adoption. Current regulations already require CDSS, county and licensed adoption agencies to provide adoption services of children who are dependents of the juvenile court, relinquished or placed for adoption. As a result, CDSS has determined that these regulations will not have an impact on the expansion of businesses within the State of California.

*Benefits of the Regulations*

The proposed regulations will help ensure the safety of any child adopted through a California adoption.

*Documents Relied Upon*

AB 1832 (Ch. 1062, Stats. of 1996) [FC section 7576]; AB 2165 (Ch. 510, Stats. of 1996) [FC section 8811.5]; SB 2035 (Ch. 1135, Stats. of 1996) [FC sections 8623, 8626, 8636 and 8638]; SB 2157 (Ch. 930, Stats. of 2000) [FC section 8714.7]; AB 2921 (Ch. 910, Stats. of 2000) [FC section 8714.7]; AB 2433 (Ch. 937, Stats. of 2000) [FC sections 8801.3 and 9102]; SB 104 (Ch. 688, Stats. of 2001) [FC sections 8801.3 and 8814.5]; SB 182 (Ch. 251, Stats. of 2003) [FC section 8714.7 renumbered to FC section 8616.5]; SB 947 (Ch. 469, Stats. of 2003) [FC section 8620]; SB 1357 (Ch. 858, Stats. of 2004) [FC sections 7660.5, 8502 and 8802]; AB 2488 (Ch. 386, Stats. of 2006) [FC section 9205]; SB 678 (Ch. 838, Stats. of 2006) [FC sections 8606.5 and 8620]; SB 1758 (Ch. 754, Stats. of 2006) [FC section 8632.5]; AB 1279 (Ch. 759, Stats. of 2008) [FC section 8810]; SB 1726 (Ch. 534, Stats. of 2008) [FC sections 7660.5, 8639 and 8814.5]; AB 1325 (Ch. 287, Stats. of 2009) [W&IC section 366.24]; AB 687 (Ch. 462, Stats. of 2011) [FC sections 7663 and 9102]; AB 1712 (Ch. 846, Stats. of 2012) [W&IC section 366.3]; AB 1757 (Ch. 638, Stats. of 2012) [FC section 8609.5]; SB 1013 (Ch. 35, Stats. of 2012) [FC sections 8506, 8509, 8513, 8515, 8524, 8530, 8608 and 8620]; AB 848 (Ch. 743, Stats. of 2013) [FC section 8730]; AB 1403 (Ch. 510, Stats. of 2013) [FC sections 7611 and 7661]; and AB 1701 (Ch. 763, Stats. of 2014) [FC section 8807].

g) Benefits Anticipated from Regulatory Action

The benefits of the regulatory action are primarily greater safeguards for the health and welfare of California residents by improving the well-being and outcomes for adopted children in California.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.